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ABSTRACT

Designed for use in secondary school social studies classes, this guide provides activities for helping students understand some of the fundamental principles of government as well as its structure, politics, and effects on the individual. Information, articles, and cartoons from the Austin-American Statesman form the basis of the readings, along with background information from several texts and articles by public leaders, officials, and reporters. Forty-five lessons focus on levels of government, government and the citizen, reporting and interpreting government, the Texas legislature, special interest groups and lobbying, the executive branch, and the Texas judiciary. Some of the teaching strategies recommended include: brainstorming, gaming, mock trial and legislature sessions, simulations, pictorial analysis, distinguishing fact and opinion, cartoon interpretation, role playing, discussion, and writing activities. Emphasis is also placed on higher level skills such as application, analysis, and evaluation. For each lesson, objectives, materials needed, a step-by-step lesson plan, and reproducible student handouts are provided. Appendices include teacher and student evaluation forms and maps showing congressional districts within Texas. Although the guide focuses on government in Texas, it can be used as a model for developing similar guides in other states. (LH)

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GOVERNING TEXAS

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GOVERNING TEXAS - AN OPPORTUNITY TO PARTICIPATE

An Introduction To Texas State Government
Featuring Lessons Using Special Articles
By Key Government Officials With
Selected Newspaper Activities

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PURPOSE

"There is one thing better than good government, and that is government in which all people have a part."[1]

This is our purpose — to pique the interest of young people in state government and encourage them to become active participants in the process of government at all levels.

"Governing Texas — An Opportunity to Participate" is intended to be a resource with a number of different activities for teachers and students that offer a basic working knowledge of Texas state government. The activities are designed to help students understand some of the fundamental principles of government as well as its structure, politics and effects on the individual.

In developing these materials, the newspaper has been used as a major source in many lessons. A news story, feature article, editorial or cartoon will stimulate and motivate students. Young people who use it as an instructional tool will find that the daily newspaper provides an awareness of current events that is essential to the understanding of our state government. This will be of importance when they participate in the political process as adults.

---

[1] *Walter Hines Page, "Life and Letters", Vol. III, p. 31 (1855-1918)*

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

GENERAL INSTRUCTIONS

"Governing Texas — An Opportunity To Participate" is designed for junior high social studies classes and may be utilized in many other secondary classes as well. Teachers may choose to use all of the lessons or select individual lessons that best fit into their course of study.

A wide variety of materials has been provided for reproduction for the students. Information, articles and cartoons from the Austin American-Statesman form the backbone of the readings along with basic background information from several texts. (See acknowledgments) There are also many articles written for this booklet by public leaders, officials and reporters, which give personal insights.

Some of the teaching strategies recommended in this project include: brain-storming, gaming, mock trial and legislature sessions, simulations, pictorial analysis, distinguishing fact and opinion, cartoon interpretation, role playing, analysis, discussion and writing activities. Emphasis is also placed on higher level skills such as application, analysis and evaluation.

Teachers should feel free to modify the suggested teaching approaches to suit their own styles. In many cases a series of questions accompanies a reading. In these cases many different methods could be used. The following are some suggestions.

1. Use questions as a basis for a full-class discussion.
2. Have students answer questions independently. These could also be discussed in class later.
3. Break class into smaller groups and have each group answer all the questions, then compare answers.
4. Break class into groups and have the different groups work on different questions; then have each group lead class discussion on that issue.

Finally, there are teacher and student evaluation forms covering this entire publication at the back of the booklet. The Appendix contains a variety of materials which may be used in conjunction with "Governing Texas—An Opportunity to Participate."

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LESSON I

SETTING THE STAGE
TO STUDY TEXAS GOVERNMENT

I. OBJECTIVES

1) Students will list at least two ways in which the state of Texas provides a unique setting for its state government.

2) Students will be asked to think about the various environmental aspects affecting Texas government, and how they as individuals might get involved in government.

3) Students will list at least two factors which provide a challenge for Texas state government in the 1980's.

II. MATERIALS NEEDED

1) Handouts 1 and 2.

2) Posterboard or other material to make wall chart (optional).

III. LESSON PLAN

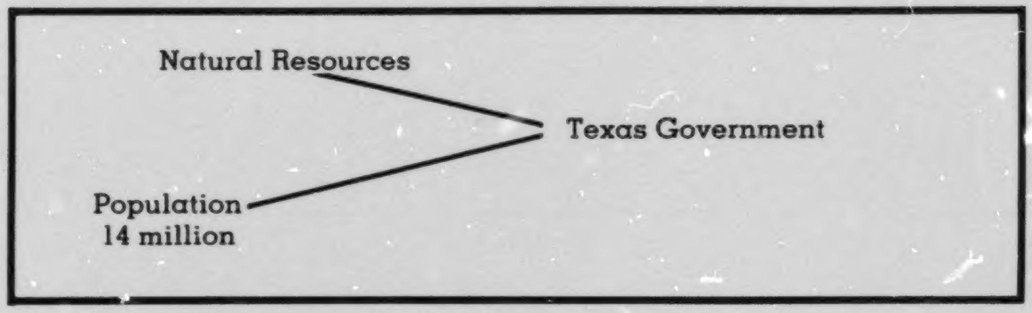
1) Read and discuss the articles on Texas growth rate, Handout #1 (American Statesman, May 31, 1982 & June 24, 1982).

2) Read aloud and discuss thoroughly the handout, "Setting the Stage to Study Texas Government."

3) Use the review questions on the handout for discussion, or ask for written responses. Further research may be assigned on some of the questions listed.

4) In addition, the teacher may wish to ask students to do any of the following projects either as a whole class or in groups.

Make a wall-chart depicting the environmental aspects which affect Texas government. For example:



Drawings or cut-out pictures could be used.

LESSON I

SETTING THE STAGE TO STUDY TEXAS GOVERNMENT
(continued)

Use a population density map of Texas to remind students that people control the government and the more people a region has, the more it might be able to affect the course of government, state or federal.

Other factors could be considered with this map to extend its usefulness, for example: ethnic breakdown of population, location of natural resources, etc.

For other ideas see the lesson entitled Long Range Planning for the Future.

LESSON I

SETTING THE STAGE TO STUDY TEXAS GOVERNMENT
HANDOUT #1

Texas takes over national top spot in growth derby

DALLAS (AP) — The federal government has confirmed what many Texans have suspected: More people chose to make the Lone Star State home last year than any other state.

The U.S. Census Bureau's most recent count shows Texas passed perennial front-runner California in absolute growth in 1980-81 — the first time the state has outgrown its Western rival since 1972.

"If Texas moved ahead, it is much more a statement about Texas than it is about California," said Steve Levy of the Center for Continuing Study of the California Economy. "It must mean that Texas is right up there with California in production of new jobs."

The Census Bureau figures show Texas grew by 445,000 people and California by 425,000. California is still the nation's most populous state with 24.2 million and Texas continues to rank third with 14.8 million, behind New York's 17 million.

Texas took the growth lead even though California continued to experience healthy economic growth and received a large number of East Asian immigrants, state population experts say.

Despite record-high housing costs in California, Levy said, the state is still benefiting from a reasonably steady rate of economic growth.

Texas' 27 percent growth rate between 1970 and 1980 outstripped California and New York but lagged behind other states, including Nevada, Florida, Arizona and Wyoming.

Experts on national population shifts tend to attribute Texas' recent surge in absolute growth to increased migration from North Central and Northeastern states.

Austin American-Statesman

May 31, 1982

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LESSON I

Handout #1 (continued)

Texas may replace New York as No. 2 on population list

COLLEGE STATION (AP) — By the end of this decade, Texas may replace New York as the second most populous state in the country, an expert says.

Texas is the fastest-growing state, a "giant human magnet pulling people from all regions," said Robert Skrabanek, a Texas A&M sociologist and demographer.

"Texas added more people than all the 22 northern states put together" in the past 15 months, he said.

New York was the nation's most populous state from 1820 to 1964, when California nosed ahead, according to the U.S. Census Bureau.

Although New York's population has increased slightly since the 1980 census, the Empire State, along with Rhode Island and the District of Columbia, lost population between 1970 and 1980, he said.

New York lost five seats in Congress because of the 1980 census. The state's population stands at about 17.6 million, while Texas has about 15 million residents.

Recent census data shows Ohio, Indiana, Michigan, Iowa and South Dakota have been added to the list of states with declining populations.

Skrabanek said Texas has topped California in growth rate, but it will still be a long time before Texas, with 15 million residents, catches up with California's 24 million.

Texas' population should continue to grow at a rate faster than the nation as a whole, he said.

Skrabanek said Texas' population could increase by at least 7 million and perhaps even 12 million before the turn of the century

Austin American-Statesman

June 24, 1982

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON I

SETTING THE STAGE TO STUDY TEXAS GOVERNMENT[1]

Handout #2

Many people believe that Texas is not just another state. Texas has a different history, which makes our setting for state government unique. After winning its independence from Mexico in 1836, Texas gained importance as an independent nation, the Republic of Texas, before joining the United States in 1845. Today, Texas has considerable power in the United States, and in the world.

It is not only history which influences the organization and work of Texas government; other important factors are:

1) Texas has a huge geographical area, second in size only to Alaska.

2) The population of Texas is large, 14.2 million, making it third in the nation. This population is highly urbanized, which means that most people live in cities.

3) The Texas population is composed of three major ethnic groups. Anglos are the largest group; Mexican-American and Blacks are the two largest minority groups.

4) Texas has many customs and traditions in its state government. Individuals have always been important for their personal contributions to state government.

5) The economy of Texas is dynamic and thriving, largely because of the oil and gas industries, agricultural growth, and banking and trade.

6) Labor unions are not as powerful as they are in some other states.

7) The Texas government has many responsibilities to fulfill for the federal government, and it receives benefits in return. The advantages of being a part of this system are numerous.

8) Some people have criticized Texas government for being very conservative, and not very modern or quick to introduce methods and ideas. In the years ahead, with your help and participation, Texas government can become more efficient and effective. But you can only influence the government if you are well-informed about it and how it works.

---

(1) Information for this lesson has been adapted from the Instructor's Manual to Accompany "Texas Government", by Janice May, Stuart A. MacCorkle and Dick Smith, Chapter 1 (McGraw-Hill Book Company, New York, 1980).

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GOVERNING TEXAS -- AN OPPORTUNITY TO PARTICIPATE

LESSON I

Handout #2

1) Read the list of influences which make Texas government special. Which two do you think are most important? Why did you choose these?

2) What proportion of the total U.S. population does Texas have?

Formula: $\frac{\text{Population of Texas}}{\text{Population of the U.S.}} \times 100$

This will give you a percentage.

Statistics: (Preliminary report 1980 Bureau of the Census)

Population of Texas: 14,200,000
Population of U.S.: 226,500,000

3) Using a similar formula to that in question 1, find out what proportion of the total U.S. land area Texas has.

Statistics: (Texas Almanac, 1980)

Land area of Texas: approx. 267,338 sq. miles
Land area of U.S.: 3,615,122 sq. miles (excluding the Great Lakes)

4) Find out what percentage of Texans live in metropolitan areas and what percentage live in non-metropolitan areas. Since metropolitan areas may include some rural communities these figures only give a general indication of urban and rural dwellers.

Statistics: Population Research Library, University of Texas at Austin. (Estimation of the population of Texas counties and metropolitan areas, revised 1978)

Metropolitan: 11,389,599
Non-Metropolitan: 2,839,592

5) Why do you think this is important?

6) According to the 1980 U.S. census, the Texas population includes 1,710,250 Blacks, 2,985,640 Hispanics and 160,380 other minorities. How do you think these numbers might affect the workings of the government?

(Additional information from the same source reports there are 7,230,468 females and 6,997,915 males.)

7) Does anyone you know belong to a labor union? What does a labor union do? How do you think the strength of the labor unions (or lack of it) would affect the state government?

8) a. Find out what some of the responsibilities are that the Texas government has toward the federal government. (Example: Texas must comply with the U.S. Constitution, federal laws and regulations for federal programs such as the school lunch program.)

   b. Find out what benefits Texas receives from the federal government. (Examples: national defense, aid to education, social security, unemployment compensation, federal highway programs.)

   c. What are some ways these benefits and responsibilities might affect how the government operates?

9) This chapter suggests that you as an individual might be able to affect the course of the Texas government. What are some ways you can think of that you might get involved in the government?

10) Think about the information above, and about what you already know about Texas government. What do you think are the two biggest challenges to Texas government in the 1980's?

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LESSON II

PART 1

LEVELS OF GOVERNMENT

I. OBJECTIVE

1) Students will demonstrate the ability to identify the level of government pertinent to newspaper articles about government.

II. MATERIALS NEEDED

1) Chart of levels of government. This could be drawn on an overhead transparency, or it could easily be drawn on the board.

2) Classroom set of newspapers for cutting, scissors.

3) Large poster board or bulletin board, arranged as the diagram suggests.

III. LESSON PLAN

1) Discuss with students the four levels of government, using the chart as an illustration. The following points should be included in the discussion:

- Although we speak of "the government", we actually have several governments: city, county, state and national.
- The "national" government is also called the "federal" government.
- The jurisdictions and areas of service of these governments often overlap.
- Sometimes specialized agencies are set up to provide particular functions. These agencies cut across the lines of the other governments. Examples are school districts, water districts, river authorities and hospital and junior college districts.

2) Divide class into groups, and provide each group with newspapers for cutting. Each group is to find one item in the newspaper which mentions each of the forms of government. Combine these into a class display.

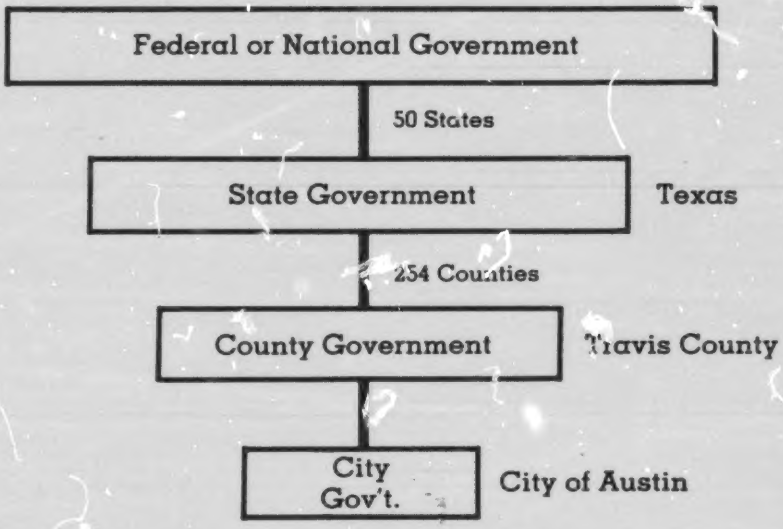
GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON II

LEVELS OF GOVERNMENT

Chart:

Levels of Government


Federal or National Government
50 States
State Government
Texas
254 Counties
County Government
Travis County
City Gov't.
City of Austin

Poster

Levels of Government			
National	State	County	City

LESSON II

PART 2

CITY GOVERNMENT IN TEXAS

I. Objectives

1) The student will be able to explain how different forms of city government are selected to meet the needs of the cities of Texas.

2) The student will explore the way in which city services meet the varying needs of the people in cities in Texas.

II. Materials Needed

1) Handouts #1, #2 and #3

2) Newspapers from both a large city and a small town. (About one week's supply.)

III. Lesson Plan

1) Read and discuss handouts #1 and #2 with students.

2) Assist students in locating the information required for collages or scrapbooks.

3) Assist students in contacting local officials to inquire about city government.

4) At the teacher's discretion a field trip to a city council meeting may be arranged. Also, many public officials will, when asked, visit the school to speak with classes.

5) Read and discuss with students, Handout #3, the newspaper article on Brackenridge Hospital. Assist students with the activities listed. With the teacher's guidance, select one of the issues for an in-depth study on health care.

GOVERNING TEXAS -- AN OPPORTUNITY TO PARTICIPATE

LESSON II

Handout #1

FORMS OF CITY GOVERNMENT

I. General Law Cities — A community with over 200 people may incorporate (organize into a city) under the general laws of the State of Texas. Approximately 80 percent of the cities in Texas are organized in this way. For these cities, the laws of the state determine the basic organization, authority, and functions of the city government.

General law cities use either the aldermanic or commission form.

The Aldermanic Form. The governing body in a city with the aldermanic form of city government is the "board of aldermen" or "city council". Usually it is composed of the mayor and five other members called aldermen or council members.

The Commissioner Form. The governing body in a city with a commission form is called a "board of commissioners" and is composed of the mayor and two commissioners.

An Additional office: The City Manager: In either the aldermanic or commission form, the voters may approve the hiring of a city manager, who is responsible for the day to day operation of the city.

II. Home Rule Cities. Any city with more than 5,000 people may adopt a home rule charter. Home rule cities have a greater choice about how they will organize themselves and conduct their business. They may exercise all powers which are not prohibited by the state constitution or by the laws of the state.

Home rule cities use one of the following forms of city government:

The Council-Manager Form. This form is the most popular form. When this form is used, the city council (five to nine members, including the mayor) hires a professional city manager to conduct the business of the city.

The Mayor-Council Form. Under this form of government, the mayor works with the city council to carry out the operations of the city. The amount of power the mayor may have will vary greatly from city to city.

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LESSON II

Handout #1 (continued)

ACTIVITIES AND QUESTIONS

1. What form of government does your city have? You may need to call your local "city hall" to find out.
2. From the newspaper: Locate and clip out a reference to the work of each of the following officials (possibly not for your city):

—mayor

—city council member

—city manager

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LESSON II Handout #2

CITY SERVICES

A city provides many services for its people. Those listed below are only a few of those which a city may provide.

PUBLIC SAFETY:

The police department is charged with the responsibility of crime prevention. The police department protects your rights and your property by enforcing city and state laws. A police department is organized into different divisions, which work together to meet their responsibility.

The uniform division provides patrol and traffic control on municipal streets to protect the average driver from unskilled or careless persons who ignore the safety of themselves and others.

The Community Services section works to inform the public of the work and concerns of the police department.

The police may take part in programs such as "Operation Identification". Operation Identification is part of a national program designed to prevent theft and burglary. People are urged to mark portable items and items with high resale value.

Officers of uniform and criminal investigations divisions work to protect the property and safety of everyone. These officers watch for violations of the law and arrest those involved in criminal activity.

The local law enforcement team also includes the clerks and office staff at police headquarters, the mechanics in the police garage, the dispatcher in front of his radio set, and perhaps even "parkadettes" who put a ticket on the windshield of your car if the meter time has expired.

In addition to putting out fires the FIRE DEPARTMENT is often in the rescue business with special breathing equipment, rescue boats, and first aid gear. A fire marshall tries to stop fires before they start by frequent inspections of property and buildings. He also investigates to determine the cause of fires in an effort to prevent further damage from similar causes.

Emergency medical services may be offered by your city. This is intended to offer emergency aid and ambulance service to those in need of medical attention. EMS works closely with the Police Department, Fire Department and local hospitals.

The city provides for your safety by regular inspection and licensing of electrical equipment and wiring by setting safety standards for buildings in the city. A Building Inspector also makes sure that building, plumbing, mechanical and housing codes are upheld.

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LESSON II

Handout #2 (continued)

PUBLIC UTILITIES

Most public utilities are services that the public must have. Government agencies provide directly for some of these. Private businesses provide others through franchises received from the government. This means that the city may license a private company to provide this service. When one private business is given a franchise and becomes the only source for natural gas or telephone service, the city regulates the operation of the company to make sure that good service is available to the citizens at acceptable rates. Only a few cities own telephone systems, but all cities regulate the services offered and the rates charged by private telephone companies.

HEALTH

The city is concerned with the health and welfare of all its citizens. Such public utilities are regular garbage pick-up and disposal, water filtration and sewage disposal affect the health and welfare of a city's citizens. Health officers inspect businesses periodically to maintain standards of cleanliness set by the city. City health inspectors regularly visit producers, retailers and handles of foods to insure that the health of consumers is not endangered by careless or unsafe practices. Inspectors also carry on investigations of air or water pollution, vacant and weed lots, animal bites, loose animals and a variety of environmental problems.

Even with the best of health protection, illness and accidents can happen. If you should have a communicable disease, a city health officer will require quarantine to protect other citizens from the disease. Many cities provide hospitals and clinics for the care of those who are ill or injured in accidents. Services are provided at no cost or at a very small cost for those who are unable to meet the full expense of medical care. The emergency room of the city hospital is the place where victims of accidents or violence receive prompt attention.

RECREATION

The city government recognizes the need to provide an opportunity for citizens to relax and enjoy wholesome recreational activity. The city sets aside land, provides equipment, trains personnel, and even constructs special buildings and facilities. Most cities provide public libraries and convenient neighborhood branches. Many cities have tennis courts, softball fields, swimming pools, and golf courses for the pleasure of the citizens.

URBAN TRANSPORTATION DEPARTMENT

The public facilities we use most are streets and bridges. They are among the major expenses of the city, and every citizen has the right to travel through the city on land owned by the city. The city builds and repairs streets and bridges. The transportation department is responsible for planning and coordinating all surface transportation within the city. This system usually includes sidewalks with ramps, bicycle routes, and a public bus system. In some cities a special transit service may serve citizens with mobility impairments.

LESSON II

Handout #2 (continued)

SOCIAL SERVICES

Depending on the size of a city and the needs of its citizens, a variety of social services may be offered. Examples of these services include educational services, vocational programs, and neighborhood programs. Often a city will be called upon to administer a program which is paid for by the federal government.

PLANNING FOR THE FUTURE

Many cities plan for the future in an organized way. A city planning department tries to plan for the future orderly development of all areas of the city. One area should enjoy conveniences, facilities, and services similar to those of all other areas. Most cities regulate land use by zoning. Citizens have the right to protest to city officials when a zoning change affects their neighborhood. One of the most troublesome problems for city government is the regulation of new subdivisions at the edges of the city to see that they fit the master plan and that their streets and other services are not below the standards required by the city.

A master plan for urban development is often the basis for orderly growth in a city. City governments make use of many kinds of survey and census reports to estimate the amount and direction of future urban growth. All of the facilities which the city provides such as water, sewers, streets gas, electricity, parks, schools and hospitals must be planned far in advance to meet the needs of the citizens.

(For an explanation of the work of city courts, see the section on the Texas Judiciary.)

Activities:

1. Interview a city employee about the services your city provides for its citizens. Make as complete a list of these services as possible.
2. Obtain about a week's worth of newspapers from both a small town and a major city. Make two collages or scrapbooks to illustrate services provided by the two cities. Write a short essay comparing the results. Keep in mind that in both cases city governments are responding to the differing needs of the citizens.

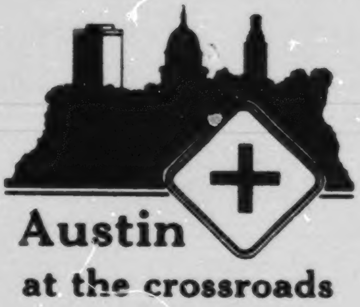
LESSON II

Handout #3 (continued)

City's hospital facing many fiscal problems

With a population expected to reach 570,000 by the end of the century, Austin is at a crossroads. Important decisions must be made that will affect the quality of life for decades to come. This is the ninth in a series examining the issues facing Austin.

By ABBY KAIGHIN
American-Statesman Staff



For nearly 99 years the City of Austin has tried to ensure that no residents die because of lack of medical care.

As always, if your unemployed, destitute cousin from Ohio comes to visit and has an accident on Interstate 35, he will be treated at the city-owned Brackenridge Hospital regardless of his ability to pay. If your buddies get into a drunken knife fight, they can be taken to Brackenridge for stitches even if they have no identification or money.

And for years city health clinics — either at the hospital or in neighborhoods — have cared for the chronically ill.

That commitment to public health care has remained strong through successive city councils and administrations. But with a growing number of indigent patients and increasing competition for paying patients from other hospitals, Brackenridge's relationship with City Hall is likely to change.

Five years ago, city officials, becoming alarmed that the cost of medical care might break the city budget, paid consultants more than $200,000 to study the health care system. The consultants recommended major changes, such as seperating the hospital from city government.

The council chose to keep Brackenridge, but during the last six months a study group appointed by thehospital's board began to rethink the risks — both for the city and the hospital — of retaining Brackenridge as a city department.

"With recent cuts in Medicare and Medicaid and the economic climate of the country the way it is — and that climate starting to infiltrate to Texas and Austin — it will be difficult to maintain Brackenridge in the same financial favor it has enjoyed in the past few years," said Bracken-

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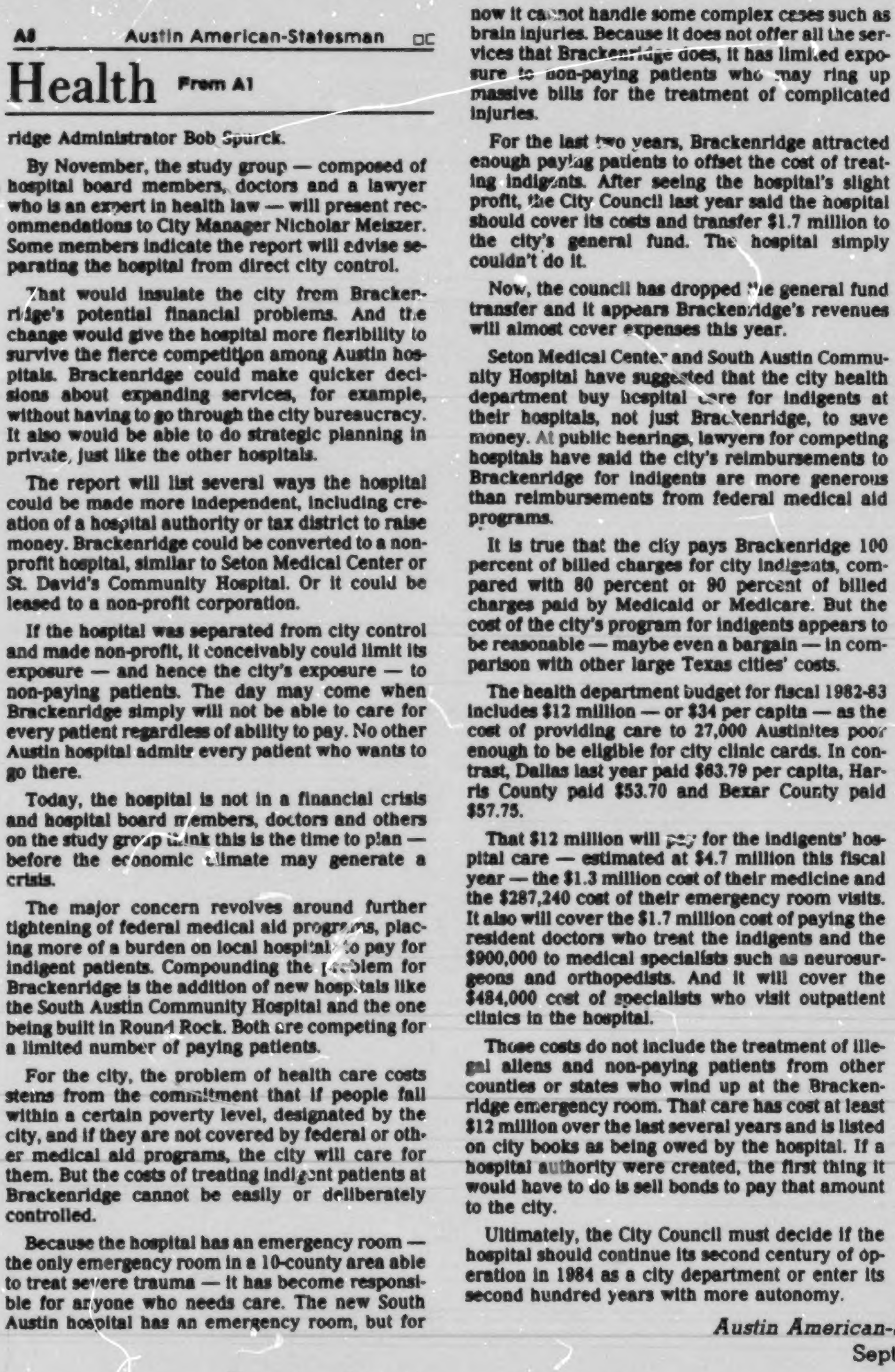

A8 Austin American-Statesman

Health

From A1

ridge Administrator Bob Spurck.

By November, the study group — composed of hospital board members, doctors and a lawyer who is an expert in health law — will present recommendations to City Manager Nicholar Meiszer. Some members indicate the report will advise separating the hospital from direct city control.

That would insulate the city from Brackenridge's potential financial problems. And the change would give the hospital more flexibility to survive the fierce competition among Austin hospitals. Brackenridge could make quicker decisions about expanding services, for example, without having to go through the city bureaucracy. It also would be able to do strategic planning in private, just like the other hospitals.

The report will list several ways the hospital could be made more independent, including creation of a hospital authority or tax district to raise money. Brackenridge could be converted to a non-profit hospital, similar to Seton Medical Center or St. David's Community Hospital. Or it could be leased to a non-profit corporation.

If the hospital was separated from city control and made non-profit, it conceivably could limit its exposure — and hence the city's exposure — to non-paying patients. The day may come when Brackenridge simply will not be able to care for every patient regardless of ability to pay. No other Austin hospital admits every patient who wants to go there.

Today, the hospital is not in a financial crisis and hospital board members, doctors and others on the study group think this is the time to plan — before the economic climate may generate a crisis.

The major concern revolves around further tightening of federal medical aid programs, placing more of a burden on local hospitals to pay for indigent patients. Compounding the problem for Brackenridge is the addition of new hospitals like the South Austin Community Hospital and the one being built in Round Rock. Both are competing for a limited number of paying patients.

For the city, the problem of health care costs stems from the commitment that if people fall within a certain poverty level, designated by the city, and if they are not covered by federal or other medical aid programs, the city will care for them. But the costs of treating indigent patients at Brackenridge cannot be easily or deliberately controlled.

Because the hospital has an emergency room — the only emergency room in a 10-county area able to treat severe trauma — it has become responsible for anyone who needs care. The new South Austin hospital has an emergency room, but for now it cannot handle some complex cases such as brain injuries. Because it does not offer all the services that Brackenridge does, it has limited exposure to non-paying patients who may ring up massive bills for the treatment of complicated injuries.

For the last two years, Brackenridge attracted enough paying patients to offset the cost of treating indigents. After seeing the hospital's slight profit, the City Council last year said the hospital should cover its costs and transfer $1.7 million to the city's general fund. The hospital simply couldn't do it.

Now, the council has dropped the general fund transfer and it appears Brackenridge's revenues will almost cover expenses this year.

Seton Medical Center and South Austin Community Hospital have suggested that the city health department buy hospital care for indigents at their hospitals, not just Brackenridge, to save money. At public hearings, lawyers for competing hospitals have said the city's reimbursements to Brackenridge for indigents are more generous than reimbursements from federal medical aid programs.

It is true that the city pays Brackenridge 100 percent of billed charges for city indigents, compared with 80 percent or 90 percent of billed charges paid by Medicaid or Medicare. But the cost of the city's program for indigents appears to be reasonable — maybe even a bargain — in comparison with other large Texas cities' costs.

The health department budget for fiscal 1982-83 includes $12 million — or $34 per capita — as the cost of providing care to 27,000 Austinites poor enough to be eligible for city clinic cards. In contrast, Dallas last year paid $63.79 per capita, Harris County paid $53.70 and Bexar County paid $57.75.

That $12 million will pay for the indigents' hospital care — estimated at $4.7 million this fiscal year — the $1.3 million cost of their medicine and the $287,240 cost of their emergency room visits. It also will cover the $1.7 million cost of paying the resident doctors who treat the indigents and the $900,000 to medical specialists such as neurosurgeons and orthopedists. And it will cover the $484,000 cost of specialists who visit outpatient clinics in the hospital.

Those costs do not include the treatment of illegal aliens and non-paying patients from other counties or states who wind up at the Brackenridge emergency room. That care has cost at least $12 million over the last several years and is listed on city books as being owed by the hospital. If a hospital authority were created, the first thing it would have to do is sell bonds to pay that amount to the city.

Ultimately, the City Council must decide if the hospital should continue its second century of operation in 1984 as a city department or enter its second hundred years with more autonomy.

Austin American-Statesman
Sept. 27,1982

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LESSON II

Handout #3 (continued)

Questions and Activities

1. What distinctive services does Brackenridge Hospital provide for the Austin community? Write a paragraph focusing on indigent care, emergency room services and other services which Brackenridge Hospital alone provides for the Austin Community.
2. Watch the newspaper for one week. Make a list of any health care issues in the news on the national, state county and city level. You may want to choose one of these issues as a subject for a research paper.

LESSON II

PART 3
COUNTY GOVERNMENT IN TEXAS

I. Objective
  1) Students will recognize several important services provided by the county.
  2) Students will be able to explain why county government has become less visible in recent years.

II. Materials needed
  1) Handout #4 on County Government
  2) Handout #5—Newspaper article on Growth of Travis County
  3) Newspapers

III. Lesson Plan
  1) Read and discuss the handout with students and have them complete the newspaper activity.
  2) Students may need help from the teacher in finding the information needed to complete activity #2.
  3) Read and discuss with students Handout #5 which provides a kind of case study in the growth of an urban county in Texas.

LESSON II **Handout #4**

COUNTY GOVERNMENT IN TEXAS
THE COUNTY

In pioneer days when most of the people lived outside cities, the county seat was the center of legal, governmental and social activity.

The average Texan sometimes pays less attention to counties today because more Texans live in cities than ever before. Urban population increases as the state grows, so we speak less of the county and more of the city. We locate an unfamiliar place as near Houston, west of Fort Worth, or south of San Antonio, rather than in Harris, Tarrant or Bexar County. Yet the county remains an important administrative unit of the state.

The city used to provide local government for a densely settled area while the county provided governmental services for rural areas such as farms and ranches. City and county governments provide many of the same kinds of services for their citizens. However, in addition to providing governmental services for the rural population, the county government must carry out the actual work of administering state laws. The city and county are beginning to work more closely together in urban counties.

The county provides many services for its citizens which include education, safety, roads, care for health and welfare, and important record keeping.

EDUCATION

Under state law, the county may operate a public school system. The county provides buildings, equipment, and a staff under the supervision of an elected county school superintendent. In small counties the county judge may serve as school superintendent.

Few counties operate schools today because local areas form independent school districts. Rural areas often combine several small, one-school districts into consolidated school districts. Becase the rural schools serve large areas, these school systems provide buses and cover extensive bus routes to bring students to school.

PUBLIC SAFETY

In frontier days the sheriff headed the posse on the trail of outlaws and was fast with a six-shooter. In each county a Sheriff is elected by the qualified voters and holds office for the term of four years. Most people think of a Sheriff as being strictly a law enforcement officer, but he is also responsible for maintenance of the county jails. The county Sheriff cooperates with state and city law enforcement officials to maintain law and order.

In many counties a constable serves as the chief law enforcement officer of the court by assisting the justice of the peace. In some counties the constable carries subpoenas to citizens, serves in court sales of property, and performs other duties assigned by the court. Sometimes his law enforcement duties are of minor importance, and in some counties the office of constable may not be filled.

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LESSON II

Handout #4 (continued)

PUBLIC ROADS

The county builds and maintains county roads outside the city limits. In Texas it is not easy to tell when you are on a county road, but the county generally maintains paved, unmarked roads outside a city or town. Many rural counties spend as much as one-half of the county budget on the road system. The county is divided into four parts called precincts. Voters elect one commissioner from each precinct. The county commissioner takes care of business for his precinct and serves as a member of the commissioners court. In some rural counties commissioners may be called "road commissioners," since their main concern is upkeep or roads. Sometimes this upkeep actually extends beyond maintaining only county roads. In one Texas county, one of the commissioners takes pride in the fact that a graded and graveled road leads to the door of every farmer's barn. As the state and federal governments provide more roads, this country's responsibility decreases.

PUBLIC HEALTH AND WELFARE

County health and welfare functions are similar to those of the city. A health officer provides health inspections for some businesses to maintain standards of health and safety for the general public. County health authorities often jointly support a city-county hospital within a city in the county, usually the county seat. The county helps pay for medical treatment for county residents who need medical service.

The county administers state and federal welfare programs, including welfare payments to people unable to provide for all of their needs without public assistance. The county may also provide mobile health and bookmobile services. Some counties also provide parks and recreational areas.

RECORD KEEPING

Each county keeps official records on file for the State of Texas at its county courthouse. The county clerk keeps record of vital statistics such as births, deaths, marriages, and divorces. This kind of information is published in the Public Records section of a local newspaper. The county clerk also records all matters of land ownership in the county. The county clerk also records deeds, contracts and mortgages.

The county tax assessor-collector keeps a record of ownership of any kind of taxable property in which the State of Texas is interested. For example, county records include registry of automobile titles.

LESSON II

Handout #4 (continued)

What Authority Does the County Have to Act For Its Citizens?

The county operates as a unit of state government by enforcing state laws. The county, through the commissioners court, does only those things which are permitted or required by state law. There are no county laws and there is no county lawmaking body.

THE COMMISSIONERS COURT

The county judge and four county commissioners form county commissioners court, which really is not a court but is an administrative body similar to the city council. The commissioners court sets the county tax rates according to state law, adopts the county budget, and maintains the county courthouse, county roads, and the county jail. The commissioners court must decide upon other programs and services authorized by the state, such as providing libraries, parks and welfare programs. Each commissioner is elected for a four-year term by the people living in his precinct. Other county officials such as the county judge, county sheriff, county attorney, and county clerk are elected county-wide for four-year terms.

In counties such as Travis County, city suburbs expand into what was once rural land. For this reason, city and county officials are beginning to work together more closely on solving problems that concern both areas. Some of the problems of expanding communities involve more than one county. Some counties are developing regional associations to work together.

THE COUNTY JUDGE

The county judge has a variety of jobs. In addition to being a member of the commissioners court, he serves on the county election board which, by law, provides for and regulates elections in the county. He is a member of the county juvenile board, which is responsible for working with young people whose problems (personal, social or economic) in some way involve them with the law. The county judge also serves as the presiding judge of the county court, which is separate from the county commissioners court.

(For an explanation of the County Court System, refer to the lessons on the Texas Judiciary.)

LESSON II

Handout #4 (continued)

Questions and Activities

1. Locate the public records section of your local newspaper. Report to the class on the kind of information that is included there for county records and legal notices.
2. Use your history textbook and other reference books to investigate how the population in Texas has moved in recent history from the rural setting to cities. What does this have to do with the fact that the county now receives less public attention as a level of government?

GOVERNING TEXAS -- AN OPPORTUNITY TO PARTICIPATE

LESSON II

Handout #5

Growth boom predicted for Travis

By GAYLE REAVES

American-Statesman Staff

WASHINGTON — Travis County will be one of the fastest growing regions in the country in the next 20 years, not only in population but also in employment, according to a study by the National Planning Association.

The Washington-based group predicts Texas will be the fastest growing state between 1980 and 2000, and Travis will be one of the fastest growing counties in Texas.

Texas will add 5.5 million people and 3.4 million jobs by the turn of the century for a population increase of 36 percent and an employment increase of 50 percent, the study says.

The new Texans in their new jobs will make more money compared with the national average by 2000, the study predicted.

State income advances, however, won't be as substantial as in employment and population.

Per capita income in Texas in 1980 was $5,103, compared with a national average of $5,263. In 2000, Texas will top the national average of $8,971 with $9,020, the planners said.

Travis County's average income will be higher than the state's, the study said. Although per capita income is rising 77 percent statewide, it will rise 85 percent in Travis County from 1980 to 2000, going from $5,040 to $9,326.

That makes Travis one of the few counties in Texas where per capita income is expected to go from below the national average to well above it by the end of the century.

Population and employment increases in Travis County are expected to be stronger than in other Texas metropolitan areas, the report said.

Population will increase 2.2 percent a year, or 58.7 percent total, adding 246,200 new faces in the county by 2000.

The study said employment would increase 3 percent a year, or 85 percent, by the end of the century, for a total of 197,400 new jobs.

The planners predict most new jobs in Texas will be in services, especially business and health. High growth rates are also expected in trade, communication and finance.

The National Planning Association is a private non-profit organization that researches economic issues.

It has published economic and demographic forecasts annually for the last 20 years.

Austin American-Statesman

July 25, 1982

Questions and Discussion

1. What do planners predict for population growth and income level for people living in Travis County?
2. What are some reasons why these projections might not be valid for other counties in Texas?

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LESSON III

GOVERNMENT IN THREE BRANCHES

I. Objectives

1) Students will identify three branches of government: judicial, legislative and executive.

II. Materials needed

1) Transparencies #1 and #2.

III. Lesson Plan

1) Show students transparency #1. Have them copy important facts in their notes. Discuss each branch of government. (See Table of Contents.)

2) Show students transparency #2. (Suggestion: Cover most of the transparency with paper, in order to show one headline at a time). Ask students to determine which of the three branches of government is pertinent to each of the newspaper headlines.

3) Use the articles collected in Lesson II and ask students to determine which of the three branches of government is covered by each article. If these articles are not available, divide the class into groups, and provide each group with newspapers for cutting. Each group is to find one item in the newspaper for each of the three branches of government.

LESSON III

GOVERNMENT IN THREE BRANCHES

TRANSPARENCY #1

JUDICIAL BRANCH:	The branch of government that hears, decides and settles questions of law. This branch includes the whole court system, and is concerned with judges, juries and law suits.
LEGISLATIVE BRANCH:	The law-making branch of government. This branch includes the Senate and House of Representatives, at the state level. It is concerned with the work of legislators (men and women who are elected to make laws).
EXECUTIVE BRANCH:	The branch of government which basically administers the law. At the state level the executive branch is headed by the governor. It includes many agencies and departments (the bureaucracy) concerned with enforcing government policies such as the Department of Public Safety and the Texas Department of Mental Health and Mental Retardation.

LESSON III

GOVERNMENT IN THREE BRANCHES

TRANSPARENCY #2

Classify these:

1. **Police patroling Oklahoma town after gunbattle**

2. ***Governor plans to give his raise to ex-hostages***

3. ***Defense hard to prove***
Juries unswayed by insanity plea

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LESSON III

GOVERNMENT IN THREE BRANCHES

TRANSPARENCY #2

continued

4. **Senate sets guidelines to solve housing impasse**

5. **New York police press search for train station's bombers**

6.

Woman wins $25,000 suit

Ex-employee sues store for false imprisonment

7.

Country's diverse legislators share an interest in state employees

(All headlines from The Austin American-Statesman, 1980)

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LESSON IV

BARBARA JORDAN WRITES ON PARTICIPATION IN POLITICS

I. OBJECTIVES

After reading the article written by Professor Jordan, students will be able to complete the following objectives.

1) Students will explain why Professor Jordan entered politics.

2) Students will list three legislative issues which have concerned Professor Jordan.

3) Students will discuss some of the personal characteristics necessary for success in politics.

II. MATERIALS NEEDED

Handout of Professor Jordan's article.

III. QUESTIONS FOR DISCUSSION

1) Why did Professor Jordan enter politics?

2) List three issues Professor Jordan has worked on during her political career.

3) Write your own title for Professor Jordan's article.

4) Discuss some of the personal qualities and characteristics necessary for a successful political career.

LESSON IV

BARBARA JORDAN WRITES ON PARTICIPATION IN POLITICS

Handout #1

As a 7th grader I did not think much about the government of Texas or of the nation. I suppose I knew that things somehow got done, but I did not think very much about how things got done. My father worked at a warehouse which had no union. I remember that he would say that it was bad that there was no union on his job, but I didn't know why that was bad. In my neighborhood there were people who from time to time didn't have enough to eat. After finishing supper at my house, my mother used to send me with a plate of food to give to those people who didn't have anything to eat. I would take the food to this very tiny little house that was built in the back yard of another, larger house. I remember thinking that those people were very poor and they ought to have a better place to live and more food to eat. I didn't know what could be done about that.

A I grew into young adulthood I began to focus on those problems which for me as a child had no answers. I decided, by the time I graduated from college, that I wanted to do things which would make life better for large numbers of people. It seemed to me that politics was the only way I could become involved in making life better for large numbers of people.

Having made that decision, then where does one begin? After graduating from law school I became active in civic and community affairs. When problems of interest to the community were discussed most people felt that unless a law was passed by the state legislature, certain of the problems discussed could not be solved. Those problems included welfare reform, that is, how to get money into the pockets of poor people and food into the mouths of poor people; minimum wage legislation, that is, how people could be guaranteed payment of enough money for the work that they did; workmen's compensation reform, that is, how people who are hurt on the job could receive adequate pay for their injury.

During one of these local community meetings a suggestion was made that one of our members should come to Austin, Texas, and testify as a witness before a committee of the Texas House of Representatives. I was chosen as one of those people to come to Austin. I did come, and I appeared before one of the committees of the House of Representatives and stated my case. It was at that time that I thought my case would have a much better chance if I could be a member of the committee. The only was that I could be a member of the committee was to seek election to the Texas House of Representatives.

In 1962 I ran for election to the Texas House and I got defeated. But I didn't give up. In 1964 I ran for membership in the Texas House of Representatives. Again, I was defeated. But again I didn't give up. Then in 1966 I ran for election to the Texas Senate and I won. I had my chance to do things that I had wanted to do for so long. I sponsored workmen's compensation changes, minimum wage law and anti-discrimination legislation, among others.

I discovered that in the Texas legislature there were two groups of people. One group who wanted to change things in a big way and another group who wanted to keep things just as they were. It became clear to me that in order to change things I needed a majority

LESSON IV

Handout #1 (continued)

BARBARA JORDAN WRITES ON PARTICIPATION IN POLITICS

of people who shared that desire, both in the Texas House of Representatives and the Texas Senate. Also, it was very helpful if the governor wanted the changes that I wanted. Because such broad agreement is necessary in order to get things done, one person can't have a great degree of success unless that one person is able to influence a majority of the members of the Texas legislature to agree. In order to reach agreement on issues it is necessary to reach a compromise. I can't say that I got done all that I wanted to get done, but I did get done some of what I wanted to get done.

There are some laws which the state legislature passes that have an impact or bring about changes in the lives of Texas citizens, but it is the Congress which changes things in the lives of people all over the United States. After serving in the Texas legislature for six years it occurred to me that I could probably do more for still larger numbers of people if I could be a member of the United States Congress. So, in 1972 when the opportunity occurred I ran for election to the U. S. House of Representatives and I won.

The Congress gave me the opportunity to participate in the passage of laws for the whole nation. I sponsored and helped get passed such measures as a cost-of-living increase in Social Security payments and an expanded voting rights bill to help guarantee to all people the right to vote without having that right interferred with. I had in the Congress the extraordinary experience of participating in the matter of impeaching the President of the United States.[1]

As members of the Texas legislature we would from time to time send resolutions or statements to the Texas Congressional delegation in Washington and request the Texas delegation to support certain actions in the Congress. After I became a member of the Congress I learned that Congressional representatives pay little attention to what state legislators want.

Federal and state governments cooperate with each other when they can, but the Federal government wants to be the head of all government. They would like for state governments to do what the Federal government tells them to do. State governments resist this. However, in the final analysis both the Federal and state governments seek to act on behalf of all people, local, state and federal. Compromises are necessary and are made. But after all, that is the way government works.

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[1] *(Miss Jordan served on the House Judiciary Committee which voted the articles of impeachment of President Richard Nixon in 1974.)*

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON V

GOVERNMENT AFFECTS YOUR DAILY LIFE

I. OBJECTIVE

1) Students will be able to recognize laws that affect their daily life.

II. MATERIALS NEEDED

1) "Mindwalk"

2) Newspaper

III. LESSON PLAN

1) Read "Mindwalk" to the class. Ask the students to raise their hands each time the situation has been affected by some kind of government law or regulation, and ask individuals to explain why they raised their hands.

(There are many cases in this story where governmental regulations can be argued to exist. The asterisks are only a guide, and the teacher or students may spot other examples. As long as a student can give a valid reason for raising his/her hand this should be accepted.)

2) Continuum exercise — each shows his or her position on the statement, "The main reason for having laws that regulate human behavior is to protect people from each others."

3) Divide [illegible] into groups.

   a. Give each group butcher paper and marker.

   b. Each group is to brainstorm and list as many situations as possible where government affects people.

   c. Turn paper over and list 5 activities government does not influence.

   d. Share with the class.

4) Distribute copies of the newspaper. Have each student find 3 articles with examples of how government affects their daily lives. Share these with the class.

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON V

GOVERNMENT AFFECTS YOUR DAILY LIFE

Mindwalk

"A Saturday Picnic"

It was a bright, sunny Saturday and four friends — Jim, Chris, Susan, and Lisa — decided to spend the day enjoying the fresh air and sunshine*. Susan and Lisa had agreed to fix a picnic lunch and the boys agreed to furnish the drinks*.

At 9:00*, Jim went outside and got on his bicycle*. He rode out of his driveway and onto the street where he lived*. Chris lived just down the block and when he arrived at his house, Chris was already waiting. The boys set out together to meet the girls at Susan's house*. Susan lived several blocks away and the boys had to cross a busy intersection on their way*. Soon they got to Susan's house and the girls were waiting with picnic baskets full and ready for the day's outing. They started off once more, all four riding together along the street*. The park*, which was their destination, was about 6 miles from where they lived.

About a mile along the way they came to a shopping center* where there was a convenience store. The kids parked their bikes and went inside to buy cold drinks and ice for the picnic*. After making their purchase*, they went outside and started to get back on their bikes when they saw a sign in a sporting goods store advertising a sale of frisbees. They decided that that would make their day*. So, the boys went inside and purchased one. They were ready to start again when Susan noticed that her front tire was a little low. Fortunately, there was a gas station in the same shopping center so they rode there and filled her tire. Once again they started toward the park when they heard a shrill siren* coming toward them. They realized that it was an ambulance speeding toward the hospital located just down the street.

Finally, they reached the park and started over the many bicycle trails*. They rode along beside a little stream with towering trees forming a green arch across the trail. Several times they stopped to watch squirrels playing in the trees. At the end of the trail the group found an area of picnic tables*. Here they spread out their lunch and opened the cold drinks. After lunch they played frisbee for about an hour.

There was still a lot of time left so Susan, Lisa, Jim, and Chris decided it was time to go for a swim. They got on their bikes again and rode to the swimming pool in the park*. The boys went into the men's bath house and the girls to the women's bath house* to change into their bathing suits. The four spent the rest of their afternoon sunbathing and enjoying the fresh, cool water*.

The afternoon sun was getting lower in the sky as the group decided it was time to go home. They changed back into their clothes and began the ride home.

At the school yard they all parted company, each going his separate way. It had been a good day.

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LESSON VI

THE TEXAS CONSTITUTION — AN OVERVIEW

I. Objective

Students will get an overview of the Texas Constitution and the constitutional reform movement.

II. Materials needed

1) Handout of "The Texas Constitution—an Overview"
2) Transparency or handout of Ben Sargent's cartoon on the Texas Constitution

III. Lesson Plan

1) Discuss what students already know about the Texas Constitution
2) Read together the article about the Constitution and answer the questions about Ben Sargent's cartoon on the constitution. The teacher may wish to refer to the lesson on cartoon interpretation for further suggestions.
3) Students could do any number of small or more extensive research projects on the constitution. Some suggestions:

   a. The history of the Texas Constitution.
   b. A history of the Texas constitutional reform movement.
   c. How an amendment is handled from proposal to poll.
   d. A comparison of the Texas Constitution with the U.S. Constitution: history; Bill of Rights; size, age, readability, flexibility.
   e. Students can prepare a poster or bulletin board display using articles clipped from the newspaper which illustrate provisions of the Bill of Rights of the Texas Constitution.

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON VI

Handout #1

THE TEXAS CONSTITUTION — AN OVERVIEW

> "All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit . . . they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.".

This is from the second section of the first article of the Texas Constitution. This first article, known as The Bill of Rights, is perhaps one of the most important parts of the constitution because it states people's basic rights.

A constitution is a document stating not only people's rights but also the powers and duties of the government. No law can be made or actions taken by the government which are contradictory to the constitution.

The present Texas Constitution is made up of 17 articles with about 63,000 words in all, describing in fairly great detail just what the state government can and cannot do. This is quite different from the U.S. Constitution which is only about 7,000 words long. Because this shorter document is so much more general, it is more flexible. In 200 years it has only been amended 26 times while the Texas Constitution has been amended over 200 times in only 100 years.

The present Texas Constitution was written in 1875, ratified in 1876 and was actually the fifth constitution adopted by Texas after it became a state.[2] At the time it was written, right after the Civil War and Reconstruction period, Texas had a primarily rural population and people were very negative toward government. They wrote a constitution which reflected this by putting many restrictions on government powers.

Since it was written there have been many amendments to the constititution. But some people think it should be completely rewritten. In 1971 a joint resolution was passed by the legislature allowing a constitutional convention, made up of legislators, to be called to draft a new or revised constitution in 1974. This convention wrote a new draft but then failed by three votes to approve its own work! Next the ideas in this draft constitution were turned into eight constitutional amendments and were put to a popular vote in 1975. Only 23 per cent of the registered voters went to the polls and all the amendments were defeated. In general people just couldn't agree on what should remain from the old constitution and what should be changed.

Common criticisms of the 1876 constitution are:

1. It is too long and restrictive. The restrictions affect many areas of government. For example, it limits the amount of time the legislature can be in session (140 days every other year); it hinders state and local governments from working together closely; it puts very severe restrictions on financial actions of the government — the list goes on. Of course not everybody agrees on which restrictions are good and which are not.

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[2] *Prior to becoming a state Texas had also operated under two Mexican constitutions and one independent one.*

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LESSON VI

THE TEXAS CONSTITUTION — AN OVERVIEW

2. It is too old. People argue that it was adopted by a largely rural state which bears little resemblance to present-day Texas. The language of the constitution is now archaic (old-fashioned).

3. It was poorly written in the first place. It is badly organized, and has incomplete and very long sentences (one is over 800 words long).[3] It has poor grammar, and paragraphs which make no sense. It even has one section which got lost![4]

An editorial in the American-Statesman said "Thanks to an archaic constitution, Texans are obliged regularly to vote on constitutional amendments to make changes that logically should be handled legislatively."[5] When voters went to the polls on November 4, 1980 they were presented with nine constitutional amendments to vote on. These amendments ranged from legalizing bingo for charitable organizations to substantial increases in the powers of the governor[6] and the court of appeals. Seven of these were passed and two were turned down.

A 1976 survey[7] showed that although people voted against the 1975 revision amendments (or didn't vote at all), many people do think that constitutional revision is desirable. Experts, however, do not think that a revision movement will get organized in the near future. For the present, we must abide by this 1876 constitution and continue to amend it as necessary.

---

(3) In Section 12 of Article IX.

(4) Section 23-a of Article III.

(5) October 20, 1980

(6) Discussion of the amendments dealing with the Governor's powers can be found in the Executive Branch lessons in this booklet.

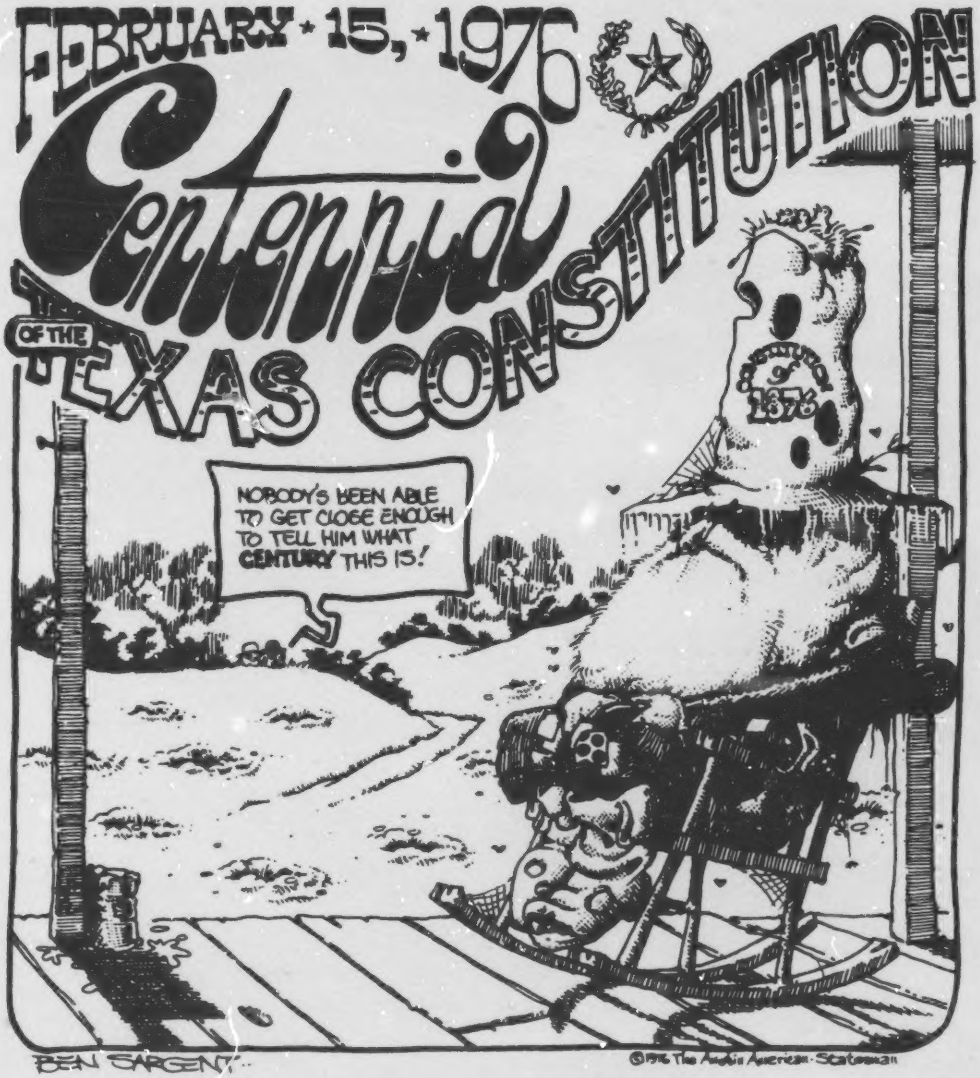
(7) John E. Bebout, "The Meaning of the Vote on the Proposed Texas Constitution, 1975," Public Affairs Comment, Lyndon B. Johnson School of Public Affairs, the University of Texas at Austin, Feb. 1975.

GOVERNING TEXAS - AN OPPORTUNITY TO PARTICIPATE

LESSON VI

Handout #2

THE TEXAS CONSTITUTION—AN OVERVIEW


FEBRUARY 15, 1976
Centennial
OF THE
TEXAS CONSTITUTION
CONSTITUTION of 1876
NOBODY'S BEEN ABLE TO GET CLOSE ENOUGH TO TELL HIM WHAT CENTURY THIS IS!
BEN SARGENT
©1976 The Austin American-Statesman

a. What is a centennial?

b. Describe the character representing the Constitution of 1876.

c. What common criticism of the 1876 Constitution is illustrated by the cartoon?

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LESSON VII

THE RIGHT TO VOTE

I. Objectives

1) The students will become familiar with the essentials of the voting process, and discuss the importance of voting.

2) The students will practice registering to vote using the sample voter registration application.

3) Students will discuss the procedure used by the American-Statesman in endorsing political candidates.
4) Students will discuss the importance of an editorial and write a short editorial.

II. Materials Needed

1) Handouts 1, 2, 3, 4, & 5.
2) Transparency of Ben Sargent cartoon on voting.

III. Lesson Plan

1) Distribute Handout #1. Discuss the fact that representatives act for citizens at every level of Texas government. Explore reasons for voting and possible reasons why people don't vote. Discuss with students reasons why filing fees for certain offices are higher than others.

2) Distribute Handout #2—Sample registration form. Ask students to register to vote during a limited time period.

3) Distribute copies of the Handout #3 — the puzzle. The teacher may wish to divide the class into teams and see who can complete the puzzle in the shortest amount of time. An extension of this activity could be to ask the students to make their own crostics on one of the branches of government they have studied.

4) Distribute copies of Handout #4. Discuss what an endorsement means and how the American-Statesman chooses the candidates they wish to endorse.

5) Distribute copies of Handout #5. Discuss the information on editorials from the American-Statesman's The Living Textbook. Make certain students understand these words: constructively, analyze, condemn, abuses, and incompetence.

6) Read the editorial endorsing Sen. Lloyd Bentsen from the American-Statesman, October 10, 1982 (Handout #5). Discuss the answers to the questions with students.

7) Students will write an editorial on the importance of voting.

8) Ask students to watch their newspaper for editorials on elections and other issues in state government. Give grade credit to those who bring these to class. Make a bulletin board display with them or glue them to looseleaf pages to make a scrapbook for use in future lessons.

9) Using a transparency of Ben Sargent's cartoon on voting, interpret the cartoon by discussing the questions written below it.

LESSON VII

THE RIGHT TO VOTE
Handout #1
Questions and Answers

When are elections held in Texas?

Texas citizens elect state representatives every two years and state senators every four years. An easy way to remember election time is in all even years (1978, 1980, 1982 . . .).

General elections are held on the first Tuesday after the first Monday in November of even years. Confusing? This means that a general election will never be on the first day of November, even if November 1 is a Tuesday. Instead, there must first have passed one Monday in the month of November.

When do voters choose the candidates for the general election?

Citizens vote within their party on the first Saturday in May on all even years to choose the candidates who will represent them in the November general election. The May elections are called primaries. Sometimes, if no candidate gets a majority, a run-off primary is held the first Saturday in June. There are several political parties, but the main ones in Texas are the Democratic and the Republican parties. Voters must decide which party primary they will vote in during the May primary election. During the primaries, a voter cannot vote for both a Democrat and a Republican because this is when the parties choose their own candidates for the general election.

Candidates who wish to run in a primary election must file for a position on the ballot prior to the deadline of the first Monday in February. In order to file, a candidate must either pay a filing fee or present a petition signed by registered voters. Filing fees for some of the offices are as follows: $2,000 for U.S. Senator, $1,500 for U.S. Representative, $1,500 for all statewide offices, $750 for State Senator, $400 for State Representative, $600 for County Judge in a county of over 200,000 people, and $300 for County Judge in a county of less than 200,000. Petitions must contain the names of 5,000 voters for statewide offices, and generally 500 signatures of registered voters for other offices. To appear on the general election ballot, a candidate must either win his party's primary or be chosen by a party convention if his party did not hold a primary. Independent candidates may present petitions signed by qualified voters who did not participate in any party primary or convention. For a statewide office, the number of signatures an independent must submit is at least 1 percent of the votes cast for the winning candidate for governor at the last election.

Does that mean if someone votes in the Republican primary, he has to vote for Republicans in November?

No. During the general election in November, voters select the candidates that they think can best represent them. Voters can vote for any party they wish, or they can vote for some candidates from one party, some from another party, and even write in names of candidates of their choice.

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LESSON VII

THE RIGHT TO VOTE
Handout #1 (Continued)
Questions and Answers

Who can vote in an election?

All registered voters. To be eligible to vote, Texans must be at least 18 years old. The mentally incompetent* and those who have been convicted of a felony may not vote. All other Texans over eighteen may vote after registering with the county tax assessor collector's office at least 30 days before an election. For more information on voter registration call the League of Women Voters in your community.

How many of the people that can vote actually do vote?

Unfortunately, far from all of them. In the 1980 Presidential election only 68% of all the registered voters in Texas used their right to vote. And this was a higher turnout than usual. When Texas elected their governor in 1978, only 42% of the registered voters voted.

Of all the people in the United States who could have voted in November of 1980, only 52.9% did.

Why do voters have to be registered?

Registration of voters allows voting officials to make sure a citizen meets the eligibility requirements listed above.

When Texans go to the polls, or voting places, they show election officials their voter registration cards. This way the official can check his registration number and match it with numbers on a list of qualified voters. Checking registration at the polls allows officials to check off a registration number so that no one votes twice in the same election. After the registration is checked, the voter signs a list of people who have voted at the precinct. Then the voter takes a ballot and goes to a private booth. In some cases punch cards are used and in others voting machines.

What times are the polls, or voting places open?

The polls open at 7 a.m. and remain open until 7 p.m. Voters who know they won t be able to vote on election day should inquire about voting absentee from the tax assessor collector's office.

Are the elections just to elect people ro represent us?

No. Voters vote on other things in elections. Constitutional amendments and proposed state and local laws and regulations are set before the voters for their approval or rejection on election day.

**As determined by the courts in special legal proceedings.*

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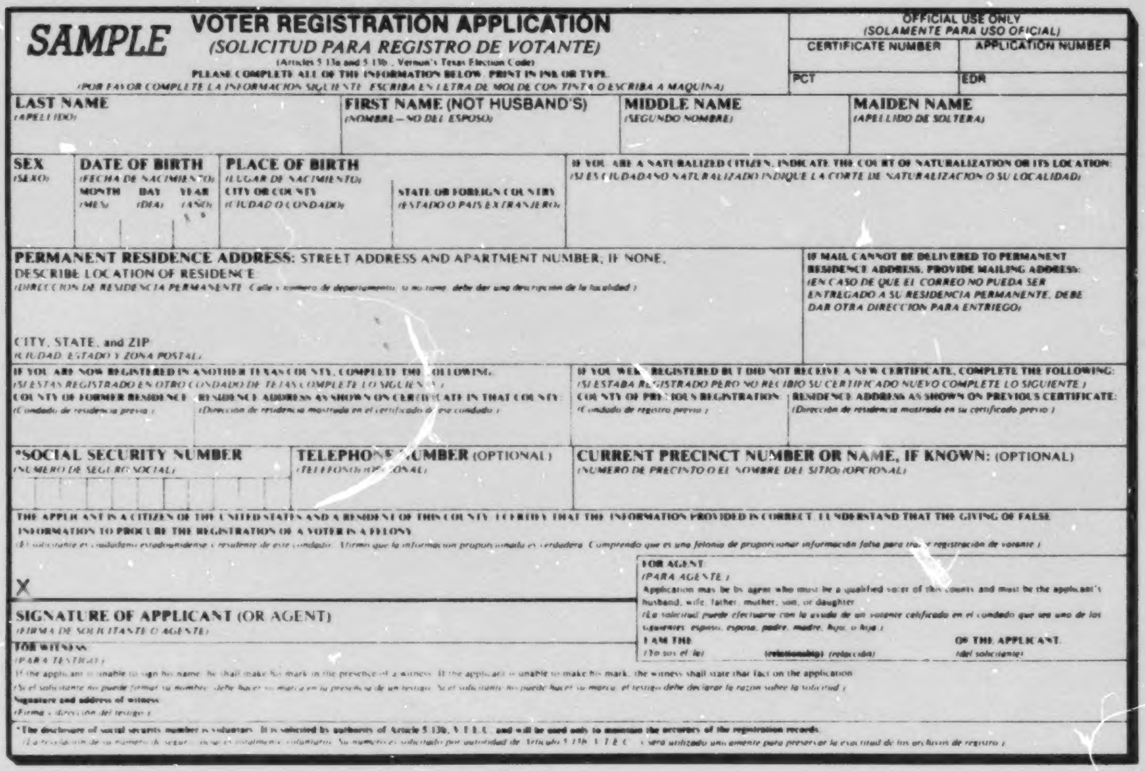
GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON VII

THE RIGHT TO VOTE
Handout #2



SAMPLE **VOTER REGISTRATION APPLICATION**
(SOLICITUD PARA REGISTRO DE VOTANTE)
(Articles 5.13a and 5.13b., Vernon's Texas Election Code)
PLEASE COMPLETE ALL OF THE INFORMATION BELOW. PRINT IN INK OR TYPE.
(POR FAVOR COMPLETE LA INFORMACION SIGUIENTE. ESCRIBA EN LETRA DE MOLDE CON TINTA O ESCRIBA A MAQUINA)

OFFICIAL USE ONLY
(SOLAMENTE PARA USO OFICIAL)
CERTIFICATE NUMBER
APPLICATION NUMBER
PCT
EDR

LAST NAME *(APELLIDO)*
FIRST NAME (NOT HUSBAND'S) *(NOMBRE — NO DEL ESPOSO)*
MIDDLE NAME *(SEGUNDO NOMBRE)*
MAIDEN NAME *(APELLIDO DE SOLTERA)*

SEX *(SEXO)*
DATE OF BIRTH *(FECHA DE NACIMIENTO)* MONTH *(MES)* DAY *(DIA)* YEAR *(AÑO)*
PLACE OF BIRTH *(LUGAR DE NACIMIENTO)* CITY OR COUNTY *(CIUDAD O CONDADO)* STATE OR FOREIGN COUNTRY *(ESTADO O PAIS EXTRANJERO)*
IF YOU ARE A NATURALIZED CITIZEN, INDICATE THE COURT OF NATURALIZATION OR ITS LOCATION: *(SI ES CIUDADANO NATURALIZADO INDIQUE LA CORTE DE NATURALIZACION O SU LOCALIDAD)*

PERMANENT RESIDENCE ADDRESS: STREET ADDRESS AND APARTMENT NUMBER; IF NONE, DESCRIBE LOCATION OF RESIDENCE
(DIRECCION DE RESIDENCIA PERMANENTE. Calle y numero de departamento, si no tiene, debe dar una descripcion de la localidad.)
CITY, STATE, and ZIP
(CIUDAD, ESTADO Y ZONA POSTAL)

IF MAIL CANNOT BE DELIVERED TO PERMANENT RESIDENCE ADDRESS, PROVIDE MAILING ADDRESS:
(EN CASO DE QUE EL CORREO NO PUEDA SER ENTREGADO A SU RESIDENCIA PERMANENTE, DEBE DAR OTRA DIRECCION PARA ENTRIEGO)

IF YOU ARE NOW REGISTERED IN ANOTHER TEXAS COUNTY, COMPLETE THE FOLLOWING:
(SI ESTAS REGISTRADO EN OTRO CONDADO DE TEJAS COMPLETE LO SIGUIENTE.)
COUNTY OF FORMER RESIDENCE *(Condado de residencia previo.)*
RESIDENCE ADDRESS AS SHOWN ON CERTIFICATE IN THAT COUNTY: *(Direccion de residencia mostrada en el certificado de ese condado.)*

IF YOU WERE REGISTERED BUT DID NOT RECEIVE A NEW CERTIFICATE, COMPLETE THE FOLLOWING:
(SI ESTABA REGISTRADO PERO NO RECIBIO SU CERTIFICADO NUEVO COMPLETE LO SIGUIENTE.)
COUNTY OF PREVIOUS REGISTRATION: *(Condado de registro previo.)*
RESIDENCE ADDRESS AS SHOWN ON PREVIOUS CERTIFICATE: *(Dirección de residencia mostrada en su certificado previo.)*

***SOCIAL SECURITY NUMBER** *(NUMERO DE SEGURO SOCIAL)*
TELEPHONE NUMBER (OPTIONAL) *(TELEFONO) (OPCIONAL)*
CURRENT PRECINCT NUMBER OR NAME, IF KNOWN: (OPTIONAL) *(NUMERO DE PRECINTO O EL NOMBRE DEL SITIO) (OPCIONAL)*

THE APPLICANT IS A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THIS COUNTY. I CERTIFY THAT THE INFORMATION PROVIDED IS CORRECT. I UNDERSTAND THAT THE GIVING OF FALSE INFORMATION TO PROCURE THE REGISTRATION OF A VOTER IS A FELONY.
(El solicitante es ciudadano estadounidense y residente de este condado. Afirmo que la informacion proporcionada es verdadera. Comprendo que es una felonia de proporcionar información falsa para tratar registración de votante.)

X

SIGNATURE OF APPLICANT (OR AGENT)
(FIRMA DE SOLICITANTE O AGENTE)

FOR AGENT:
(PARA AGENTE.)
Application may be by agent who must be a qualified voter of this county and must be the applicant's husband, wife, father, mother, son, or daughter.
(La solicitud puede efectuarse con la ayuda de un votante calificado en el condado que sea uno de los siguientes: esposo, esposa, padre, madre, hijo, o hija.)
I AM THE (relationship) OF THE APPLICANT.
(Yo soy el (la) (relacción) (del solicitante))

FOR WITNESS:
(PARA TESTIGO.)
If the applicant is unable to sign his name, he shall make his mark in the presence of a witness. If the applicant is unable to make his mark, the witness shall state that fact on the application.
(Si el solicitante no puede firmar su nombre, debe hacer su marca en la presencia de un testigo. Si el solicitante no puede hacer su marca, el testigo debe declarar la razon sobre la solicitud.)
Signature and address of witness
(Firma y dirección del testigo.)

*The disclosure of social security number is voluntary. It is solicited by authority of Article 5.13b, V.T.E.C., and will be used only to maintain the accuracy of the registration records.
(La revelación de su numero de seguro social es totalmente voluntario. Su numero es solicitado por autoridad de Articulo 5.13b, V.T.E.C., y será utilizado unicamente para preservar la exactitud de los archivos de registro.)

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON VII

THE RIGHT TO VOTE
Handout#3
WORD Crostic

Directions:

Fill in the missing words in sentences 1-10. Under each letter you fill in is a number. This will give you the code to be able to read the message below.

1. Registered voters in Texas elect state senators every four years and state representatives every __ __ __   __ __ __ __ __ .
1 2 3   4 5 6 7 8

2. Eligible voters register with the county __ __ __ __ __ __ __ __ __ __ __
1 6 20 6 8 8 5 8 8 3 7
collector's office at least thirty days prior to an election.

3. Eligible voters must be at least __ __ __ __ __ __ __ __ years of age.
5 12 18 19 1 5 5 17

4 __ __ __ __ __ __ and the mentally incompetent are not eligible to vote.
21 5 15 3 17 8

5. General elections are scheduled on the first __ __ __ __ __ __ __ after the first Monday in November of even years.
1 9 5 8 10 6 4

6. __ __ __ __ __ __ __ __ __ are the May or June elections when registered voters choose the candidates who will represent them and their political party in the November general election.
11 7 12 13 6 7 12 5 8

7. Several political parties are represented at the May elections including the two main ones: the Democrats and the __ __ __ __ __ __ __ __ __ __ __ .
7 5 11 9 14 15 12 16 6 17 8

8. Citizens may vote in only __ __ __ party primary during election years.
3 17 5
In other words, a citizen may not vote in both the Democratic and Republican primaries.

9. However, citizens may vote for whomever they wish, including candidates from different political parties, during the __ __ __ __ __ __ __ __ general elections.
17 3 22 5 13 14 5 7

10. Citizens __ __ __ __ at places called polls. The polls are open from 7 a.m. until 7 p.m. on election days.
22 3 1 5

MESSAGE

22 3 1 5 7   7 5 18 12 8 1 7 6 1 12 3 17
11 7 5 22 5 17 1 8 12 17 5 15 12 18 12 14 15 5
11 5 3 11 15 5   21 7 3 13   22 3 1 12 17   18
6 17 10   11 7 5 22 5 17 1   8   3 1 19 5 7 8
21 7 3 13   22 3 1 12 17 18   13 3 7 5
1 19 6 17   3 17 16 5

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LESSON VII

THE RIGHT TO VOTE
Handout #4
EDITORIAL OPINION & ELECTIONS

Endorsements not easy task, but necessary

Ray Mariotti

The newspaper will be endorsing political candidates this week and next. Most of our readers will greet this news with, "so what?" To those readers I say, "bully for you. Please turn to all the good stuff like the energy crises, Ellie Rucker, Beetle Bailey and the late movie listings."

I want to state firmly right now that daily newspaper readers can and will make their own decisions, regardless of whether they know anything about the individual candidates. And they have as much a right to be wrong as we do.

Life would be more comfortable if we didn't endorse. Religion is about the only thing we deal with to irritate more people. Why do we burden ourselves with such grief?

There is considerable public interest in endorsements. Austin is politics crazy anyway. And after months of tedious campaigning, the endorsement of the South Travis Grape Growers just might be the topic over the beer at Scholtz's. The campaign workers and candidates will spend hours trying to figure out whether they lost the nod because they leaned a little too far to the left foot on a pressing issue.

Our readers frequently are curious about how we reach our decisions. They try to anticipate our biases, to sketch the composite editorial mind. It can't be done regularly, because we are too unpredictable, even inconsistent.

First of all we look for honesty and integrity, commodities not easy to discern, especially among newcomers.

Then we guess at a candidate's effectiveness. Is he smart? Can he get things done and get along with others?

And then we evaluate the philosophical questions. Would he vote like we would vote?

It is a responsibility we don't take lightly. We follow the campaigns closely. We invite each candidate in a contested race to an interview with several staff members, usually including our editorial writers and the reporter who covers the office.

Then I decide who we will endorse, almost always based on the vote of the staff members involved.

Sometimes we are enthusiastic about a candidate. Other times we hold our nose and tell you that this is the best of a poor lot. Sometimes we say you can't go wrong with either, but here is our narrow pick.

Sometimes the choice is easy. Sometimes we agonize for days. If our choice turns out to be a dud, as many do, we aren't about to defend him. There are no money-back guarantees.

Austin American-Statesman
April, 1978

(Note: Mr. Mariotti is the Editor of the *Austin American-Statesman*)

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THE RIGHT TO VOTE
Handout #5
EDITORIAL OPINION & ELECTIONS

LESSON VII

WHAT IS AN EDITORIAL?

Newspapers usually express the opinions of the publisher in the unsigned articles called "editorials".

They are located in the Austin American-Statesman on the left hand side of the editorial page under the masthead.

Editorials may be written by the editor-in-chief or may be assigned to special editorial writers.

The form of writing is usually in the first person plural -- often called the "editorial we".

Editorials set the tone of the newspaper. Some of the functions are to:

--criticize constructively
--recommend actions
--suggest solutions
--explain actions
--analyze trends
--express appriciation to an individual or group
--condemn abuses of power
--point our incompetence.

To quote Dr. DeWitt Reddick, "The editorial is the cutting edge by which the communication media exercise leadership."
(The Living Textbook, LA26, Austin American-Statesman, 1977)

QUESTIONS ABOUT THE EDITORIAL
from the ***Austin American-Statesman*** editorial, October 10, 1982.

1)Which of the functions of an editorial is illustrated by this editorial?

2)What action does the editor recommend?

3)Why does the editor feel Sen. Bentsen should be reelected? List at least 3 reasons.

Bentsen merits another term

Since 1970, Lloyd Bentsen has performed ably in the U.S. Senate. He has a well-deserved reputation as a hard-working, middle-of-the-road senator who has given Texans every reason to give him the overwhelming support he has enjoyed at the polls. He has more than earned re-election.

Lloyd Bentsen

His Republican opponent, U.S. Rep. Jim Collins, is the Eddie Chiles of the House. For 14 years, he has done nothing to speak of, so he has campaigned by speaking ill of the incumbent, with startling inaccuracy, as a "liberal." If Lloyd Bentsen is a liberal, so is Bill Clements.

Bentsen has the intelligence, presence, persuasive powers and reputation to make him among the most respected leaders in Washington from any state. He has in abundance the qualifications and qualities so lacking in his opponent, including an ability to stick to the facts.

His time in office has given Bentsen senior positions on the Finance and Joint Economic Committees. As chairman of the latter during the 96th Congress, Bentsen managed for the first time in 20 years to secure the endorsement of all 20 members of the 1979 and 1980 annual reports. Those focused on reducing federal spending, taxes and regulation, capital-investment incentives and incentives for personal savings, and encouragement to the private sector.

Bentsen has been for natural gas deregulation since at least 1973. Unlike his opponent, Bentsen has tried to protect the stability of the Social Security system. It is pointless to go on, for the list of Bentsen's superiorities to Collins would take up pages. Suffice it to say that Lloyd Bentsen has everything going for him. His opponent has only NCPAC, the ultra-right-wing political action committee. Lloyd Bentsen is clearly the better candidate and deserves another term in the Senate.

Austin American-Statesman

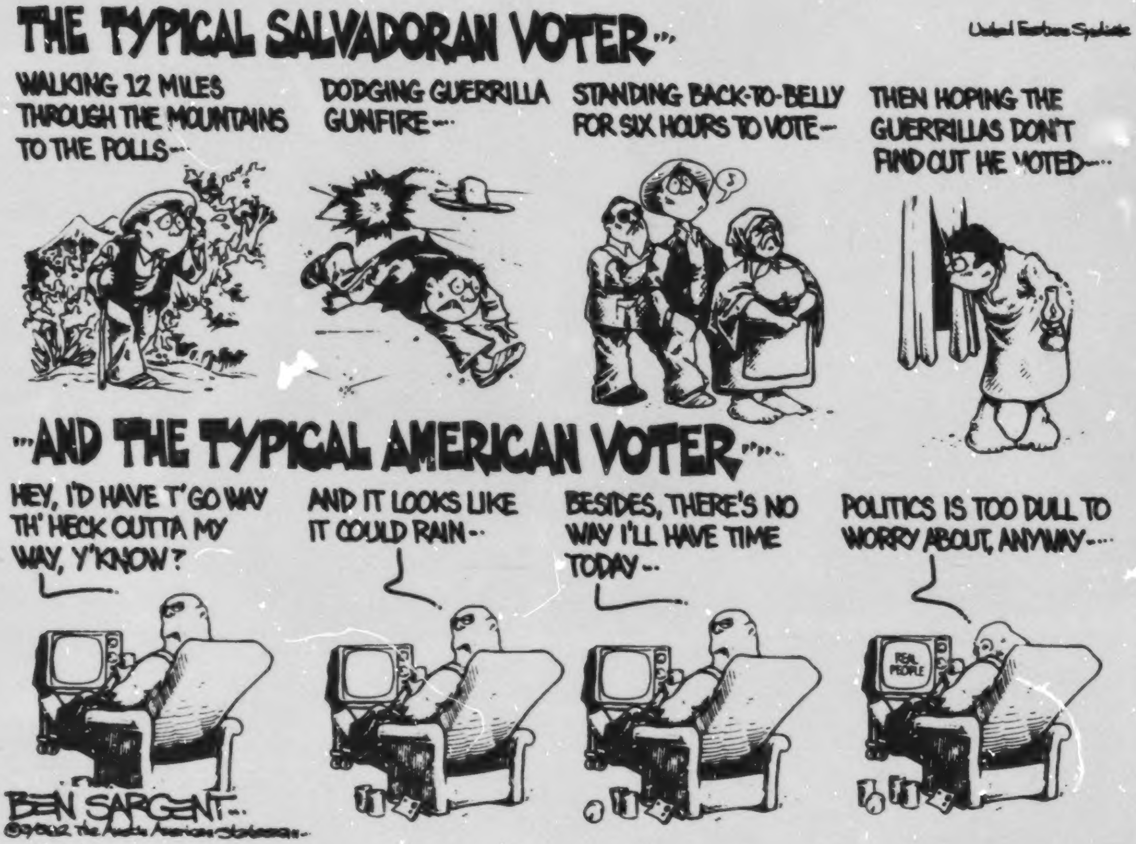
LESSON VII

Handout #6

THE RIGHT TO VOTE

An Editorial Cartoon

Editorial cartoons are also a form of expression of opinion in a newspaper. This cartoon by Austin American-Statesman artist Ben Sargent was published in March of 1982 just after the voters in El Salvador had endured numerous hardships to cast ballots in their national election.


THE TYPICAL SALVADORAN VOTER...
United Feature Syndicate
WALKING 12 MILES THROUGH THE MOUNTAINS TO THE POLLS--
DODGING GUERRILLA GUNFIRE--
STANDING BACK-TO-BELLY FOR SIX HOURS TO VOTE--
THEN HOPING THE GUERRILLAS DON'T FIND OUT HE VOTED--...
...AND THE TYPICAL AMERICAN VOTER...
HEY, I'D HAVE T'GO WAY TH' HECK OUTTA MY WAY, Y'KNOW?
AND IT LOOKS LIKE IT COULD RAIN--
BESIDES, THERE'S NO WAY I'LL HAVE TIME TODAY--
POLITICS IS TOO DULL TO WORRY ABOUT, ANYWAY--...
REAL PEOPLE
BEN SARGENT...
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United Feature Syndicate • 200 Park Ave. •
New York, N.Y. 10017 • (212) 557-2333

a. What hardships did the Salvadoran voters have to endure to cast their votes?
b. What excuses does the cartoonist give for the American voter's non-participation in elections?
c. What additional reasons have you heard people give for not voting?

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LESSON VIII

GETTING ELECTED: A FIRST STEP TO SERVING IN GOVERNMENT

I. OBJECTIVES

1. Student will get an overview of how a campaign is planned.
2. Students will plan their own advertising campaigns.

II. MATERIALS NEEDED

1. Handout #1, the article by Ann Richards, Texas State Treasurer.
2. Information on advertising costs.

III. LESSON PLAN

1. Read and discuss the article by Ann Richards.
2. Plan an advertising campaign for a candidate:
   a. Plan the budget (see table below).
   b. Plan actual ads for radio, television, newspaper, billboards and mailings. This could be done as a class project, or could be done in small groups or on an individual basis.

3. Have students role play a press conference. The topics to be tackled will have to be discussed with the class beforehand.
   a. Choose students to play the parts of candidate, the candidate's staff, members of the press and members of the audience.
   b. Have a press conference with the candidate running it.
   c. Have members of the press give their reports.
   d. Discuss whether this press conference would have been useful in getting the candidate elected or not.

Sample Costs of Using the Media

Medium	Average Cost
Television	$12 to reach 1% of the homes in Austin
Radio	$17 to reach 1% of the population in the Austin area.
Outdoor (billboards, etc.)	$4.50 to reach 1% of the population in the Austin area.
Newspaper	$500 for a quarter page advertisement, $1800 for a full page in the American-Statesman
Mailing	10¢ per piece in a bulk mailing.

You may wish to contact the media to get costs for your area.
Approximate figures from the "Media Market Guide: Conceptual Dynamics, New York, fourth quarter, 1982.
Over a quarter of a million adults read the American Statesman on the average weekday in Travis, Hays and Williamson counties.

LESSON VIII

Handout #1

GETTING ELECTED: A FIRST STEP TO SERVING IN GOVERNMENT

BY ANN RICHARDS, STATE TREASURER

Since government is made up of people -- the voters and those who work in government every day -- it can be only as good as people want to make it. That's why it is so important for each of us to be involved and to care about the quality of government. One way to serve in government is by being an elected official.

The only good way to learn anything is by doing it, and politics is no exception. There are many ways you may participate in politics without actually running for office yourself. For example, in my own campaign for state treasurer of Texas, we had about 10 paid fulltime staff members, nearly 30 people who volunteered to work regularly at campaign headquarters, and hundreds of others throughout the state who did everything from hosting receptions to walking door-to-door.

Politics has been changing a great deal in the past few years. For a long time, most candidates were men, and the managers involved in the process -- except the volunteers -- also were men. More women are now becoming involved, both as paid campaign workers and as candidates themselves. As time goes on, and as more women join men in elective office, it will become easier for future generations of women to find successful careers in government. It is a step that will benefit us all.

One of the most important ingredients for a successful campaign is money. It costs a lot to run a campaign, particularly in a state as large as Texas. Television ads, brochures, bumper stickers, lapel buttons and travel all cost money. My campaign for state treasurer cost more than $1 million for only nine months! So, being able to raise enough money is the first thing a candidate must think about. Fundraising receptions where people buy tickets to attend and requests for donations by sending letters to large mailing lists are just two of the ways a candidate can obtain financial help.

It is easier to understand the political process if you think about it in several stages: preparation, nomination and the general election. Let's look at my campaign for state treasurer to see how it all fits together.

First, I studied the office I wanted to run for -- state treasurer -- to be sure I had the know-how and experience to actually fulfill the responsibilities if I were elected. I wrote down my ideas, also, on how to make the office better.

At the same time, I sought the support of my friends and other people I knew who would be able to help raise money and who would be willing to help in the campaign. I did this by calling them on the telelphone, visiting with them, and writing letters.

The next step was to win the nomination of my political party. Each party selects nominees in a primary election. I am a Democrat, so I ran in the Democratic Primary election. In the primary, held in the spring, Democrats run against eachother, and Republicans compete with eachother for their party's nomination. The voters cast ballots in the party primary of their choice, and the highest vote-getter becomes that party's nominee for the general election in the fall.

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LESSON VIII

Handout #1 (continued)

GETTING ELECTED:
A FIRST STEP TO SERVING IN GOVERNMENT
BY ANN RICHARDS, STATE TREASURER

To get on the primary ballot, you pay a filing fee to the party. You must convince the voters that you should be the nominee, in the primary, and that you should be elected to the office, in the general election.

Because Texas is so big and has so many people, it simply is not possible to meet every voter personally. I had to depend on contact with the voters in many indirect ways. Television is important, and we ran commercials all over the state just before the election as a way of explaining what I wanted to do as state treasurer. Television is one of the most effective and most expensive communication tools. Our television budget costs were half of the total campaign budget – approximately one-half million dollars.

Another way to get the message out is through other news media -- newspapers and radio. I held dozens of news conferences all over the state, and gave hundreds of interviews to reporters during the campaign. I also went to the newspapers to meet the editors.

Still, there is no substitute for meeting people face to face. Between Freruary, when the campaign began, and November I travelled thousands of miles and met literally thousands of people. We went to small receptions in people's homes -- many of whom I had never met before -- and went to large rallies where there were hundreds of people. I shook hands with people while walking down the street, in elevators, in stores, always remembering to give them a piece of campaign literature.

Then, shortly before th primary election, and again in the fall general election, the campaign headquarters supplied post cards to anyone who was willing to send one to their friends asking for their vote. Between this and telephone calls, we were trying to make sure that the people who said they might vote for me actually did!

For my campaign, all the hard work paid off, and now I have the opportunity to serve you as your state treasurer.

LESSON IX

THE CAPITOL BEAT

I. OBJECTIVE

1) Students will gain insight into the task of reporting on and interpreting government.

II. MATERIALS NEEDED

1) Article by John Henry "The Capitol Beat".

2) Newspaper article by John Henry, "Minorities, workers put White on top".

III. LESSON PLAN

1) Hand out the article "The Capitol Beat" and explain that the author is a Capitol reporter on state government activities for the American-Statesman. Have the students read the article, then use the following questions as a basis for discussion.

a. Mr. Henry mentions many things he does as a Capitol reporter. Try to say in one sentence what he feels is the most important part of the job. Compare your ideas with those of your classmates.

b. Do you think Mr. Henry's job is important? Explain your answer.

2) Have students read the second handout, an article by John Henry. Explain that this is an example of his work. Have students pick out the five W's in this story.*

3) The teacher will select a news story preferably on state government from a recent newspaper and describe the story to the class. After listing the 5 W's of the story on the board, the class will be asked to write their own "lead" paragraphs (2 to 3) for the story and then compare them with the newspaper story.

* A news story, sometimes called "hard news", deals with facts about events actually happening or things that have just been revealed, or have just happened. Look for the famous five W's (Who, What, Where, When and Why). These facts should be in the lead (pronounced leed), or the first few paragraphs. If any opinions are expressed, they should not be the reporter's but those of a source who is being quoted.

from "The Living Textbook"
Revised Edition
Austin American-Statesman

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON IX

THE CAPITOL BEAT

Handout #1

By JOHN C. HENRY,
Capitol Reporter
Austin American-Statesman Staff

Tuition increases. Drunk drivers. Highways. College construction. Campaign financing. Whatever topic the state Legislature takes up when it meets in Austin, the impact will be felt by all Texans, whether they live in Austin. New Braunfels, Houston, San Marcos or Groesbeck.

One of the keys to successful government reporting is gauging that impact and passing the information along to readers in time for them to participate in the decision-making process.

Although the American-Statesman has its main office in downtown Austin on the southern bank of Town Lake, the newspaper's editors have decided to maintain a bureau of reporters 12 blocks away at the state Capitol.

The bureau is on the second floor of the Capitol building in the press room, and it is connected to the main newspaper plant by telephone and computer line. Nineteen other newspapers and wire services, television and radio stations operate full-time bureaus in the Capitol.

If the issues confronting state government cropped up in twos or threes every day, a capitol reporter's job would be simple. It's not.

The complexity of government in Texas is mind-staggering, and what news is reported from the capitol is a faint image of how the $13-billion-a-year industry of state government operates.

For the most part, state government is run by 245 executive boards and commissions, each with an agency that is responsible for tasks like buying textbooks, arresting motorists, building roads, collecting taxes, regulating barbers, auditing truckers or inspecting nursing homes.

The boards and commissions, whose members are appointed mostly by the governor (a few are elected), take the laws passed by the Legislature and draw up policies and guidelines for enforcement.

If reporters overlook the passage of a particular bill by the Legislature, or if the bill is considered insignificant in relation to other pressing issues of the day, once it signed by the governor it slips quickly into the bureaucratic morass only to reappear months later.

Five American-Statesman reporters are assigned full-time to the task of keeping track of state government. Occasionally editors at the newspaper assign other reporters to help out on specific projects, particularly relating to energy, transportation, water resources, health and education.

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LESSON IX

THE CAPITOL BEAT
Handout #1 (continued)

By JOHN C. HENRY,
Capitol Reporter
Austin American-Statesman Staff

This leaves the five reporters, including myself, free to grapple with elections, the bureaucracy, the Legislature and the governor.

Since I arrived in the bureau in October 1980, my primary assignment has been to keep up with the governor and to report on gubernatorial politics. In addition, I provide backup to other reporters when the Legislature is in session, and I am assigned specific issues like DWI legislation, the Texans' War on Drugs and government accountability laws (like open meetings, open records and campaign financing).

Even without the Legislature in town (it meets 140 days in every odd-numbered year), the administrative agencies, governor's office, legislative committees and hundreds of personal contacts pummel the Capitol bureau with story ideas. On an average day, a two- to three-inch pile of news releases and government reports are dropped onto our desks.

Deciding which ones will get any attention is a decision made jointly by the reporter and the bureau chief, and, frequently, by an editor, each of whom weighs the importance of the story, its likely impact on our readers and how it will affect the decision-making process.

LESSON IX

Handout #2

Minorities, workers put White on top

By JOHN C. HENRY
American-Statesman Staff

A record turnout of minority voters in South Texas, Houston and Dallas, along with a strong showing in blue-collar precincts around the state provided Texas Democrats with the electoral clout to reclaim the governor's office.

More than 3.1 million ballots were cast in Tuesday's election, which vaulted Democrat Mark White past Republican Gov. Bill Clements by more than 213,000 votes.

Surveys of minority and blue-collar voters indicate that pocketbook issues — unemployment, utility bills — and a strong appeal by a slate of moderate Democratic candidates prompted the record participation.

"People are just flat scared," said Harry Hubbard, president of the Texas AFL-CIO. "And people react when they get scared."

The reaction was to give most statewide Democratic candidates a 3-to-2 vote ratio over their Republican opponents, a reversal of the trend set by Clements when he upset Democrat John Hill in 1978 and bolstered by President Reagan's defeat of Jimmy Carter in Texas two years later.

Up against Clements' $12 million re-election campaign, White was unable to build the margin enjoyed by his Democratic colleagues, but his win was no squeaker. White received slightly more than 53 percent of the vote compared with the 46.1 percent who favored Clements, the state's first Republican governor in 105 years.

Texas' return to a Democratic statehouse was one of six similar elections in the nation. Republicans also lost gubernatorial bids in Arkansas, Michigan, Minnesota, Nevada, Ohio and Wisconsin.

Asked how White's campaign differed from his 1978 effort, Hill said: "The Democrats got together. That's the difference. We're not a party that can take things for granted in Texas."

Outspent by Clements almost 2-to-1, White credited his victory to a united Democratic Party and to the active re-election campaigning of U.S. Sen. Lloyd Bentsen and Lt. Gov. Bill Hobby.

With a sophisticated phone bank operation that rivaled Clements' get-out-the-vote system, the two incumbent Democrats, and a lengthy slate of other statewide candidates, helped draw a half-million more voters to the polls than had been predicted by Secretary of State David Dean.

"A lot of phone-calling went on yesterday," said state Rep. Gerald Hill, an Austin Democrat who helped organize Bentsen's re-election campaign. He said the telephone network, aimed at voters who had not participated in recent elections, turned out 500,000 additional Texans.

Unofficial returns indicate that more than 48.5 percent, or 3.1 million, of the state's 6.4 million registered voters participated in Tuesday's election. Monday, Dean forecast the turnout at about 2.5 million, or 42 percent statewide.

Austin American-Statesman
Nov. 4, 1982

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LESSON X

FACT OPINION AND PROPAGANDA

I. Objective
Using the newspaper, the student will identify examples of fact, opinion, or propaganda.

II. Materials needed

A) Transparency defining fact, opinion, and propaganda

B) Handout #1: newspaper articles which are themselves examples of fact, opinion, or propaganda; or which refer to these types of communication.

C) Newspaper

D) Posterboard, markers, glue.

III. Lesson Plan
A) Using a transparency discuss the meaning of fact, opinion, and propaganda.

"FOR THE TEACHER"
Fact—something which exists or has actually happened.
Opinion—A belief which is not based on absolute certainty, but represents an individual choice about what seems to be true.
Propaganda—A widespread effort to persuade a group of people to support a particular cause or idea, or to reject an opposing idea or cause.

B) Discuss all or some of the following questions with students:

1) Which of the three forms of communication—fact, opinion, or propaganda—is least likely to cause a disagreement? Why?

2) A newspaper editorial is an expression of opinion. Under what circumstances could it also be propaganda?
3) Is propaganda good or bad in itself? Can propaganda be used in a beneficial way? In a harmful way?

4) What are the most common forms of propaganda that we are exposed to?

5) Under what circumstances can a presentation of *facts* be viewed as propaganda?

C) Discuss the articles on the handout. Find examples of fact and opinion. Next, discuss how the group Mothers Against Drunk Driving is attempting to use propaganda in their campaign against drunk driving.

D) As a short written exercise, have students choose one event to view from the three perspectives of fact, opinion, and propaganda.
Example: Fact: I voted for Mrs. Smith.
Opinion: I think Mrs. Smith is the better candidate.
Propaganda: Everyone should vote for Mrs. Smith. Let me tell you why . . .

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LESSON X

FACT, OPINION AND PROPAGANDA

Handout #1

Early bills will seek tougher DWI penalties

By BRUCE HIGHT
American-Statesman Staff

Bills to stiffen penalities for DWI convictions and eliminate insanity as a defense in criminal prosecution were dumped in the legislative hopper Monday.

Members of both the House and Senate can pre-file bills and resolutions, though no action will be taken until January when the Legislature convenes. Before noon more than 50 House bills had been introduced and a dozen in the Senate.

DWI bills were introduced by Austin Rep. Terral Smith, Houston Rep. Brad Wright and Hereford Sen. Bill Sarpalius.

Smith said his bill is the product of outgoing Gov. Bill Clements' task force on traffic safety, which made its recommendations several weeks ago. "I didn't change it one bit," he said.

His bill does not impose mandatory jail sentences on first offenses, but it does for a second offense — at least 72 hours and no more than two years. The penalties are stiffer if the DWI conviction involves serious injury to someone.

Smith also said the bill would permit prosecutors to ask for jury trials. Currently, he said, only the defendant has the right to ask for a jury trial. It also does away with deferred adjudication in which a person's driving record does not reflect a DWI conviction if the person successfully completes a probationary period.

His bill does not include two recommendations made by the task force, to ban open containers of alcoholic beverages in a vehicle and to raise the drinking age to 21.

However, Sarpalius introduced a bill that would ban open containers.

Wright's bill would also ban open containers, said Christine Clore, a Wright assistant. She said Wright's bill was similar to the task force's recommendations, but somewhat stiffer on repeat offenders.

Waco Rep. Rollin Khoury introduced a bill eliminating insanity as a defense in criminal prosecutions, but allowing it to be used in consideration of punishment.

Austin American-Statesman
Nov. 8, 1982

DWI patrol

The state has come through with a timely grant that will enable the Austin police to add 20 more officers in an effort to reduce incidence of people driving while intoxicated.

The Austin police applied for the grant in July because of the growing number of DWI-related deaths, Maj. Kendall Thomas of the police patrol division says. The highway department grant amounts to $300,000, which will be matched by the city. The City Council will pay for training, data and equipment for the 20 new officers, who will devote special attention to East Riverside Drive, Anderson Lane, U.S. 183, South Congress Avenue, South Lamar Boulevard and Ben White Boulevard.

Their goal will be to reduce the city's alcohol-related accidents by 10 percent.

Such traditional law-enforcement measures ought to have a measurable effect on DWI statistics, much more so than any "strengthening" of the state's already strong laws. No matter what laws say, they are of little use if they are not enforced, by police and prosecutors. A policeman in a patrol car is more deterrent than words in a legal statute.

Austin American-Statesman
Nov. 8, 1982

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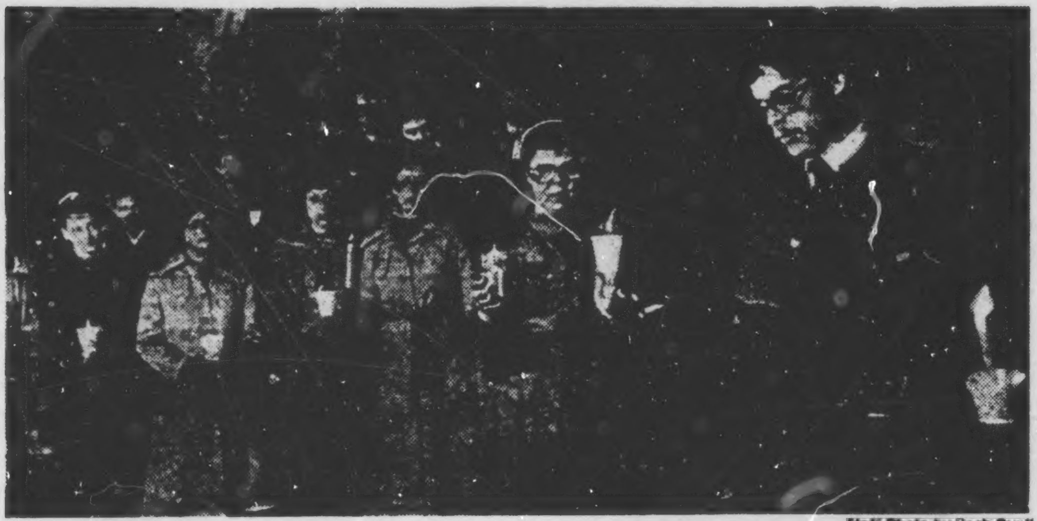
Handout #1 (continued)



Staff Photo by Zach Ryall

Peter Mongon, right, of MADD reads the names of people killed in DWI accidents.

50 gather at Capitol

Vigil marks DWI deaths

By JOE VARGO
American-Statesman Staff

Nearly 50 people gathered Sunday at the Capitol in a candlelight vigil to remember those Central Texas residents killed this year in alcohol-related accidents.

With candles lighted and heads bowed, they offered silent prayer as Peter Mongon, the president of the Austin chapter of Mothers Against Drunk Drivers read off the names of Travis, Bastrop, Caldwell and Lee county residents killed by drunken drivers.

President Ronald Reagan has declared this week "National Drunk and Drugged Driver Awareness Week," and MADD chapters across the United States and Canada held similar ceremonies.

"In Austin alone, 38 of the traffic fatalities are alcohol related," said Mongon, 29, whose fiancee, Brenda Susan Scarberry, was killed Oct. 25, 1981, by a drunken driver. "It's frightening to think that on our way home from this ceremony, any one of us could be killed that way." There have been 58 traffic deaths so far this year.

Several people who gathered, including 32-year-old Janjce Jones, lost family members and loved ones to drunken drivers. Jones' fiance, Jimmy Hendricks, was killed Feb. 10 when their car was struck by a drunken driver as they returned home from the University of Texas.

Jones and Hendricks were to be married Friday.

"He hit us head-on at over 100 mph," said Jones, who listened with tears running down her face as Mongon read the list of victims. "When police pulled him out of his truck, he was so drunk, he couldn't stand.

"It's very difficult to forget that day. But I'm one of the lucky ones. At least the drunk who hit us was given five years in prison. Many are getting off with probation."

As a result of groups like MADD, Jones said the public is becoming more and more aware of the problems caused by drunken drivers.

"People are talking about it," she said. "If we can get through to just a few, then we're doing our job."

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Austin American-Statesman
December 13, 1982

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XI

TYPES OF PROPAGANDA

I. Objective

1) The student will be able to distinguish between types of propaganda techniques.

II. Materials needed

1) Handout # 1 or overhead transparency of types of propaganda techniques

2) Handout #2 of examples of propaganda techniques

3) Class set of newspapers

4) Posterboard, scissors and glue.

III. Lesson Plan

1) Distribute handout #1 on types of propaganda techniques and discuss by showing examples (handout #2).

2) Distribute newspapers and have students find example of five types of propaganda techniques used. It is recommended that this be done in groups of three.

3) Have the students arrange their newspaper findings on a poster.

4) Have the students determine whether the findings are fact or opinion.

5) Share the findings and discuss each collage with the class.

6) OPTIONAL — You may want your students to make a propaganda notebook, or a wall-poster showing many examples of the types of propaganda.

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LESSON XI

TYPES OF PROPAGANDA
Handout #1
Propaganda Techniques

Sometimes the subjects in news reports will use propaganda devices. For example a candidate for office may make a speech in which he employs these devices. The newspaper reports the speech and identifies the speaker. By reporting the speech most newspapers are not employing propaganda devices, but telling what is said and who said it. It is up to the reader to make his judgement. Some of the propaganda devices used by subjects in news reports include:

1) Name Calling — Using labels instead of discussing the facts. Consists primarily of attaching a negative symbol to someone or something. For example, calling a politician a "crook" or a person whose ideas are unpopular a fascist or a hawk or a dove. By branding a person with these negative symbols, it is often possible to avoid citing facts. Names, rather than facts, can be used to get a desired reaction from you.

2) Glittering Generalities — Vague phrases that promise much. Usually consists of associating positive symbols, slogans, and unsupported generalizations with an idea or person. For example, saying during a political campaign that "this will benefit all Americans and will enhance our position abroad." But only a careful weighing of the facts will determine whether or not such a glittering generality has much truth in it.

3) Transfer — Applying a set of symbols to a purpose for which they were not intended. Consists primarily of transferring the attraction of strong positive symbols or the repulsion of strong negative symbols to some person, group, or idea. For example, a subversive group might display the American flag and pictures of Washington and Lincoln at its meetings. These positive symbols help conceal the basic purposes of the group and help gain public support. Only careful thinking on your part can determine whether such uses of these symbols are supported by the facts.

4) Testimonial — Getting some prominent person to endorse the idea or product. The endorsement of some prominent person or group is often used to elicit a favorable reaction from you. Motion picture stars and outstanding athletes are often used for this purpose.

5) Plain Folks — Pretending to be "one of the folks". People are sometimes convinced of the worth of a candidate for office because he takes a "folksy" approach to problems. He uses simple idiomatic English and repeats old proverbs. Sometimes the plain folks approach includes kissing babies, wearing Indian feathers, or posing with a fishing rod in hand. The approach is very common in American politics, but proves very little, if anything about the qualifications of the candidate.

6) Bandwagon — Claiming that "everyone else is doing it." Effective because many people don't make up their own minds and instead follow the lead of the majority. Consists of giving the impression that everyone is doing it or voting this way, or buying this product, and so you'd better get on the bandwagon if you want to keep up with the crowd. It's an appeal to your desire to conform.

7) Cardstacking — Presenting only the parts of the facts that favor one side. Consists of presenting only one side of a situation or using only part of the facts. Using a quotation out of context, omitting key words, or using favorable statistics while suppressing unfavorable ones.

Dr. John Guenther, THE NEWSPAPER IN THE CURRICULUM, Topeka-Capital Journal, 1976, pp. 29-30.

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XI
Handout #2

TYPES OF PROPAGANDA

RE-ELECT

BOB HONTS

COMMISSIONER Bob Honts with wife Carol and sons Rob and John

. . . a proven leader

BOB HONTS is eminently qualified to handle the increasingly important duties of Travis County's Precinct 2 Commissioner

- **Bob earned a Master's Degree in Public Administration and had ten years of city management experience before he was elected county commissioner**
- **Honts has served as a member of the City of Austin Parks Board, and EMS Quality Assurance Team,**
- **Past president of the Northwest Austin Civic Association, and outspoken leader for neighborhoods in North Austin,**
- **Chairman of the Austin Transportation Policy Committee, chairman of the Travis County Budget Committee,**
- **Appointed by last two Governors as Chairman of the Texas Advisory Commission on Intergovernmental Relations, and Chairman of the National Association of Counties Taxation and Finance Steering Committee**

BOB HONTS

Travis County Commissioner, Pct. 2

Paid for by the Committee for Bob Honts, Shannon Ratliff, Treasurer, 1150 Texas Commerce Bank, Austin, Texas 78701

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LESSON XI
Handout #2 Continued

TYPES OF PROPAGANDA

YOU
COMPARE THE CANDIDATES

The BILL CLEMENTS Platform	The MARK WHITE Platform
1) For a Gasoline Tax Increase.	1) Against a Gasoline Tax Increase.
2) For Increased Ad Valorem Taxes on homes, farms & small businesses.	2) Against additional tax burdens on homes, farms & small businesses.
3) For the removal of the ceiling on interest rates and legalized 24% interest on Credit Card purchases.	3) Against the removal of the ceiling on interest rates and against a 24% interest rate on Credit Cards.
4) For opening the Texas Border to more aliens to work in Texas.	4) Enforce the illegal alien laws . . . keep the job market open for the citizens of Texas.
5) Against a TEACHERS' Pay Increase.	5) For increased TEACHERS' pay to Obtain & Keep QUALIFIED TEACHERS.
6) Against a CONSUMER Representative on the Public Utility Commission which sets rates homeowners pay for telephone and electric utilities. CLEMENTS says: "I don't know a housewife in Texas with enough sense to serve."	6) For a CONSUMER Representative on the Public Utility Commission to PROTECT the homeowner and small businessman from outrageous rate increases.
7) Clements' MYTHS: "I've created over 800,000 new jobs in Texas since I've been Governor." . . . UNEMPLOYMENT??? "It's just a 'BOOGY BEAR'."	7) FACTS: Over 600,000 Texans are out of work . . . no jobs . . . more farm/home foreclosures and small business bankruptcies under Clements than since 1940.
8) Clements BRAGS: "I can call the White House and someone will pick up the phone. I'm a businessman and I run the State of Texas like a business."	8) FACTS: Texans send 37.9 Billion Tax Dollars yearly to Washington. The White House CUT Texas' Educational Funds $69 Million yearly. QUESTION: Would a COMPETENT Governor CALL the White House and fight to keep the Texas Tax Dollars for Texans and Fight Ad Valorem Tax increases? Mark White will!

WE SUPPORT

MARK WHITE

FOR GOVERNOR

Judge Zollie Steakly, Austin
Bob Armstrong, Austin
Judge Ed Miller, Texarkana
W. R. (Bob) Poage, Waco
Calvin Guest, Bryan
Dolph Briscoe, Uvalde
Danny Hill, Amarillo
John Hill, Austin

W. S. (Bill) Heatly, Paducah
Sen. Peyton McKnight, Tyler
Judge Leon Douglas, Austin
Bascom Perkins, Mt. Pleasant
Lynn Darden, Wichita Falls
Cotton Kirklin, Ector County
Dr. Herb H. Reynolds, Waco
Dean W. Page Keeton, Austin

Tom Diamond, El Paso
Mrs. Cora King, Vernon
Paul Podraza, Austin
Dick Slack, Pecos
Les King, Austin
Charles Purnell, Dallas
Barbara O'Neal, Waco
Carl L. King, Dimmitt

Pol. Adv. Paid for by Interested Citizens for Mark White, Les King, Treas., 2415 Greystone, Austin, Tx 78731

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LESSON XII

CARTOON INTERPRETATION

I. OBJECTIVE

1) The student will be able to identify issues expressed in the cartoon.
2) The student will identify and discuss the opinion expressed by the cartoonist.
3) The student will discuss the methods the cartoonist uses to express his opinion (caricature, symbols, stereotypes, labels, exaggeration, satire, etc.)
4) Students will discuss the role of an editorial cartoonist as seen by the American-Statesman's Ben Sargent.

II. MATERIALS NEEDED

1) Transparency — techniques cartoonists use
2) Cartoons — Transparency or handout
3) Article — "Ben Sargent Awarded Pulitzer Prize," Austin American-Statesman, April 13, 1982.

III. LESSON PLAN

1) Using the transparency, discuss techniques cartoonists use.
2) Interpret cartoons.
3) Handout copies of the article "Ben Sargent Awarded Pulitzer Prize." Be sure students understand from the first paragraph that the Pulitzer Prize is awarded for achievements in journalism (students may confuse it with the Nobel Prize). Discuss with students Sargent's background and his view of the role of editorial cartoonists.

*Note: Cartoons will appear in several places in this booklet without special lesson plans. Teachers can use these and the accompanying questions in whatever way they feel best fits into their own lesson plans. At the end of the section on special interests, students are asked to use what they have learned about the legislature and lobbying to draw their own cartoon(s). At that time teachers will probably wish to review with the class "techniques Cartoonists Use."

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XII

CARTOON INTERPRETATION
Techniques Cartoonists Use
from
"BEN SARGENT CARTOONS FROM THE AUSTIN AMERICAN-STATESMAN"

Caricature — distorting a person's features in a way that makes the person still recognizable.

Exaggeration — Over-emphasizing an event or situation.

Stereotyping — Showing all persons of one group (religious, racial, etc.) as looking and acting the same.

Symbols — Using a sign or object to stand for something else (such as Uncle Sam standing for the United States)

Satire — Pointing out something that seems wrong and ridiculing it.

Labels — Using written words to identify figures or causes.

Questioning and the use of Cartoons
Adapted from
"BEN SARGENT CARTOONS FROM THE AUSTIN AMERICAN-STATESMAN"

The teacher's use of questions play an important part in the use of cartoons. The teacher should first set the stage for the activity then ask probing questions to help the students discover the facts, the important issues, explore alternatives and make decisions and judgments.

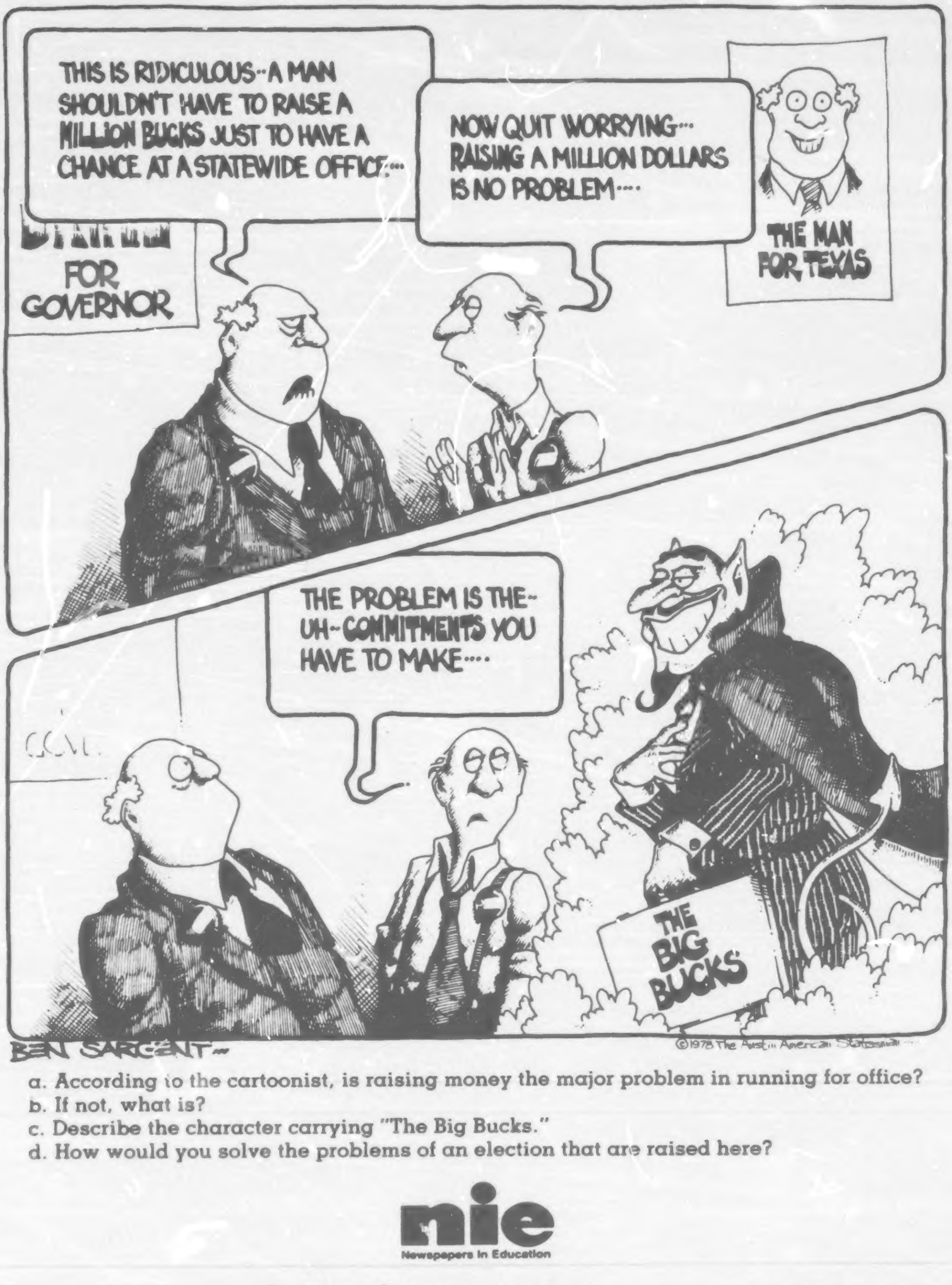
What follows are examples of the types of questions that may be used:

Questions of fact: What happened?
What do you see?
Questions of explanation: What do you mean by...? Can you say that in your own words?
Questions exploring cause and effect: Why did that happen?
What will result?
Questions exploring alternatives: Can you suggest another solution? Is there anything else that can be done?
Questions challenging a position: Why do you believe . . .?
What are some advantages/disadvantages of your position?

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XII

CARTOON INTERPRETATION Handout #1


THIS IS RIDICULOUS--A MAN SHOULDN'T HAVE TO RAISE A MILLION BUCKS JUST TO HAVE A CHANCE AT A STATEWIDE OFFICE....
NOW QUIT WORRYING... RAISING A MILLION DOLLARS IS NO PROBLEM....
THE MAN FOR TEXAS
FOR GOVERNOR
THE PROBLEM IS THE--UH--COMMITMENTS YOU HAVE TO MAKE....
GOV.
THE BIG BUCKS
BEN SARGENT
©1978 The Austin American Statesman

a. According to the cartoonist, is raising money the major problem in running for office?
b. If not, what is?
c. Describe the character carrying "The Big Bucks."
d. How would you solve the problems of an election that are raised here?

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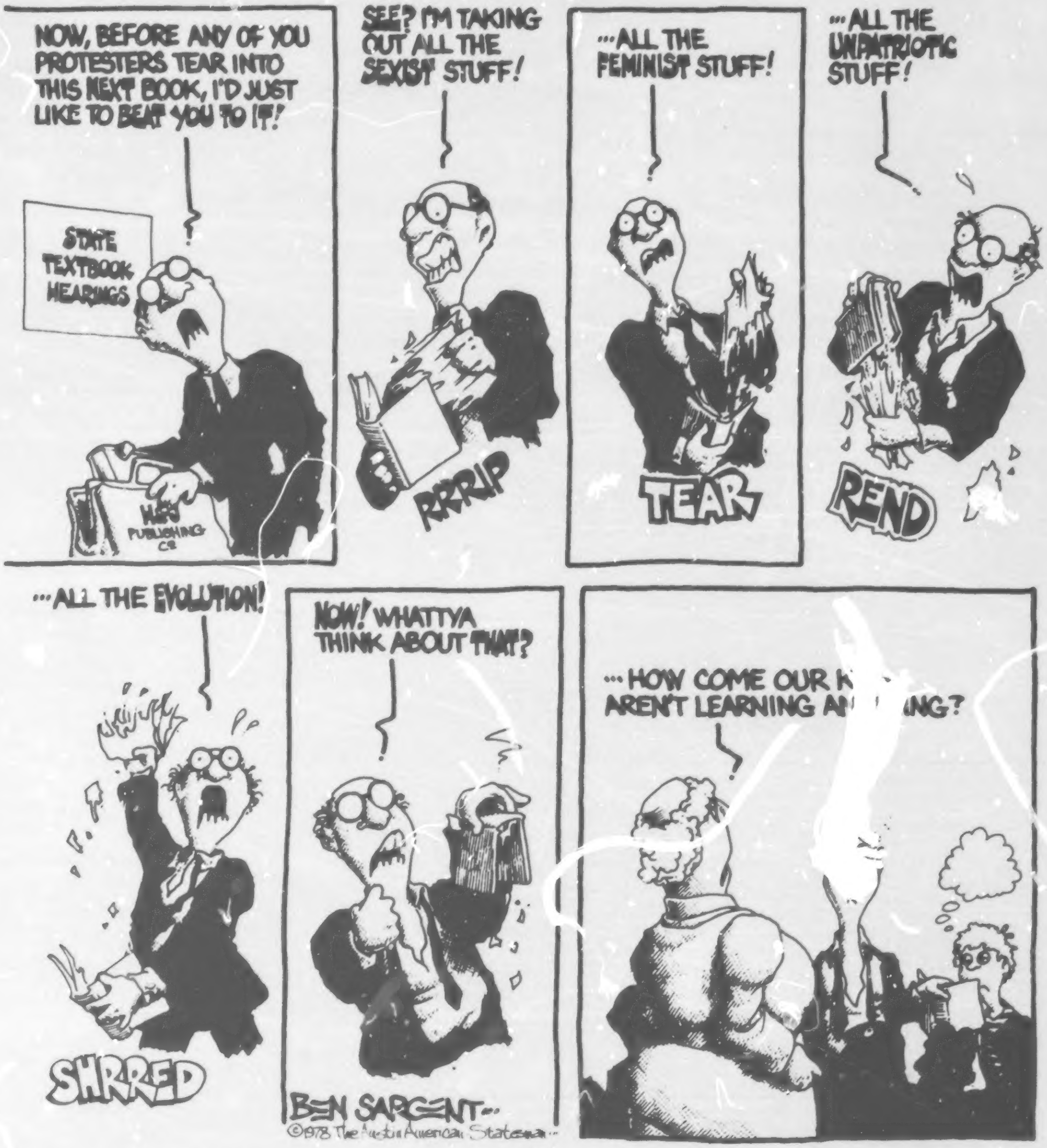
GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XII

Handout #1 (continued)

CARTOON INTERPRETATION


NOW, BEFORE ANY OF YOU PROTESTERS TEAR INTO THIS NEXT BOOK, I'D JUST LIKE TO BEAT YOU TO IT!
STATE TEXTBOOK HEARINGS
H&H PUBLISHING CO
SEE? I'M TAKING OUT ALL THE SEXIST STUFF!
RRRIP
...ALL THE FEMINIST STUFF!
TEAR
...ALL THE UNPATRIOTIC STUFF!
REND
...ALL THE EVOLUTION!
SHRRED
NOW! WHATTYA THINK ABOUT THAT?
BEN SARGENT
©1978 The Austin American Statesman
...HOW COME OUR K[illegible] AREN'T LEARNING AN[illegible]ING?

a. This cartoon emphasizes what kind of issues: economic, social or political?
b. What does it say about society's ability to deal with change?
c. How could viewpoints on these issues differ?
d. Can you think of another alternative to textbook hearings?

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Newspapers In Education

LESSON XII

CARTOON INTERPRETATION Handout #2

Cartoonist Ben Sargent wins Pulitzer Prize

Ben Sargent, the *American-Statesman* editorial cartoonist, was chosen to receive the most prestigious award in American journalism Monday — a Pulitzer Prize.

Sargent's winning entry was a portfolio of 10 cartoons drawn during 1981 on various national issues. Sargent's cartoons, while created in Austin, are distributed through the United Features Syndicate to several dozen newspapers throughout the nation. The awards are given through Columbia University in New York City.

Sargent's pointed, satirical commentary on state, national and international affairs is probably the most controversial of the newspaper's regular features. The drawings regularly elicit both high praise and fierce condemnation from readers.

The Amarillo native has been involved with newspapers for nearly all his 33 years. Sargent's parents worked at the *Amarillo Globe-News*. When he was about 12 years old, Sargent and his younger brother published a neighborhood newspaper called *The Southern Democrat*, with a circulation of "about 20," he said.

He came to Austin in 1968 to attend the University of Texas, majoring in journalism and working for the late Stuart Long at Long News Service, reporting on the state Capitol.

After college, he joined the *American-Statesman* as a reporter and began "doing some drawings on the side." As a reporter, he worked for the *American-Statesman's* Capitol bureau, for United Press International here and again for Long News Service. He rejoined the *American-Statesman* in 1974 as a graphics artist and illustrator. Soon after, he became the paper's editorial cartoonist, drawing five editorial-page cartoons a week.

The role of editorial cartoonist, Sargent says, is to make readers angry. "I think the political energy of the country is out there amongst the people and the function of newspapers is to sort of stir up the energy, to engage it in something that's going on," he said.

"I think an effective cartoon or effective editorial will make the reader mad, either with us — whomever we're mad at — or against us, if they disagree. Either way, their consciousness about that issue, for a brief instant, is raised and has engaged that issue. That process, repeated many times, is what keeps the political energy out there amongst the folks going."

Sargent and his wife, Kathy, a reporter for the *Westlake Picayune*, are the parents of a 20-month-old daughter, Elizabeth.

Austin American-Statesman
April 13, 1982

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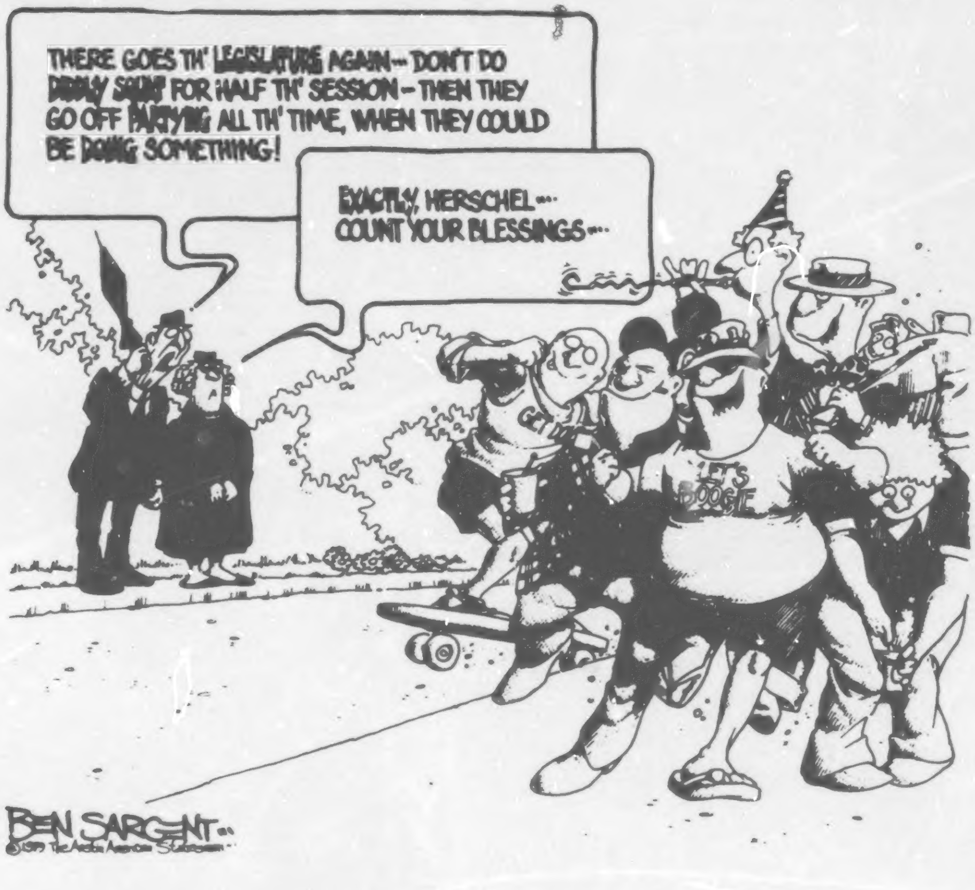
LESSON XIII

CARTOON ON THE LEGISLATURE
Handout #1

(Teacher's note: For lesson plan and suggestions see previous lesson on Cartoon Interpretation)


THERE GOES TH' LEGISLATURE AGAIN-- DON'T DO DIDDLY SQUAT FOR HALF TH' SESSION -- THEN THEY GO OFF PARTYING ALL TH' TIME, WHEN THEY COULD BE DOING SOMETHING!
EXACTLY, HERSCHEL... COUNT YOUR BLESSINGS...
LET'S BOOGIE
BEN SARGENT
©1979 The Austin American Statesman

a. Who do the man and woman on the left represent?
b. What do they think about how the legislature behaves during its session?
c. What does the woman mean when she says "Count your blessings"?

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XIV

INTRODUCING THE TEXAS LEGISLATURE

During every session of the Texas Legislature, the American-Statesman and other newspapers provide daily coverage of happenings in the session. Teachers are encouraged to clip articles for a personal file to be used with students who study Texas government when the Legislature is not in session.

OBJECTIVES:

1. Students will get an overview of the membership and qualifications of the Senate and House of Representatives, and how their presiding officers are elected.
2. Students will get a general idea of the functions of the legislature.
3. Students will be introduced to the political terms liberal and conservative.

MATERIALS NEEDED:

Handout #1, "The Texas Legislature" with questions.
Handout #2, "The Texas Legislature - How it Works" by Dave McNeely,
Political Editor of the Austin American-Statesman.
(Optional: District maps from Appendix B)

NOTE:

It is suggested that students read the article "Liberals and Conservatives" by Charles Deaton which appears in the Appendix. This article will introduce the students to important political terms.

LESSON PLAN:

1. Distribute Handout #1, have the students read the legislature summary, then use the questions as a basis for discussion.
2. Distribute Handout #2, read together the article by Mr. McNeely, then discuss and answer the questions.
3. Distribute the article "Liberals and Conservatives" by Charles Deaton (in the Appendix) and discuss. You may wish to point out that the two major political parties, Democratic and Republican, have conservative, liberal and middle of the road members.

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XIV

INTRODUCING THE TEXAS LEGISLATURE

Handout #1

HOUSE OF REPRESENTATIVES	SENATE
150 members	31 members
Two-year term	Four-year term (half of the membership is up for election every two years)
Qualifications as stated in the Constitution:	Qualifications as stated in the Constitution:
1. Citizen of the United States	1. Citizen of the United States
2. Resident of the state two years and the district one year immediately preceding the election.	2. Resident of the state five years and the district one year immediately preceding the election.
3. Qualified voter	3. Qualified voter.
4. Minimum age of 21 years.	4. Minimum age of 26 years.
5. Salary: $7,200 annually, $30 per day while in session. (The House can allocate money to each member for payment of staff and other expenses. In 1979 this was $4,800 per member per month.)	5. Salary: $7,200 annually, $30 per day while in session. (The Senate can allocate money to each Senator for payment of staff and other expenses. In 1979 this was $7000 per member per month.)
Presiding Officer: Speaker of the House, elected from among the members by them. He votes on all measures.	Presiding Officer: Lieutenant Governor, elected by the voters of the state. He votes only in the case of a tie.

SESSIONS

The legislature meets every odd-numbered year for a regular session of a maximum of 140 days.

A Special Session of not more than 30 days can be called by the governor at any time. During a special session, legislators can discuss only matters presented to them by the governor for consideration.

QUESTIONS:

1. What are the differences in the qualifications for Senate and House members?
2. Who are the presiding officers for each house, how are they elected and what is one basic difference in their functions?
3. Keeping in mind the number of members in the Senate and the House of Representatives which house do you think can do business more informally? Why?
4. Note the numbers of members in the House and the Senate, and also the lengths of their terms in office. Which body do you think is better able to represent its constituents? Explain your answer.
5. The governor can call a special session of the legislature at any time. Do you think this gives him much power? Why would the governor want to consider the use of this power very carefully?

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XIV

Handout #2
THE TEXAS LEGISLATURE HOW IT WORKS

By Dave McNeely
Political Editor
Austin American-Statesman

The Texas Legislature, like the legislatures of other states, makes all the laws for the State of Texas, from deciding whether people can hunt deer with dogs to deciding whether or not you should die by lethal injection or in the electric chair if you commit murder.

But the legislature also does another very important thing: it takes money from people and businesses through taxes, and it spends that money for everything the state does, including things like teacher salaries and highways.

There are two chambers of the legislature, the House of Representatives and the Senate. The House has 150 members; the senate has only 31.

For a bill to become law, or for money to be spent, there must be approval by both houses of the legislature, and the agreement of the governor. Since there are all kinds of people and institutions who want the legislature to do things for them, or not to do things to hurt them, the members of the legislature hear from those people quite often.

The big oil companies, for instance, want to try to keep the taxes on their production as low as possible, so the oil well owners can make more money. The coal companies which do strip-mining do not want to spend their coal profits on fixing up the land after they scrape out the coal. And so they hire people, called lobbyists, to try to influence the legislators to keep from taxing them or making regulations which would be costly to them.

After it takes in the money through taxes, the legislature also has to decide how to spend it. The members of the legislature have to decide whether they want to spend more money for hospitals, education, parks, cleaning up the highways, or the dozens of other things the state is responsible for. Incidentally, more than half the state's money goes for education.

Different members of the legislature want different things, partly because of where they come from. For instance, legislators from West Texas, where there isn't much water, have been trying for years to get the state to pay to pump water out there. People from the Rio Grande Valley in South Texas believe that they have very poor health care, and they want to see the state spend more money for that. Some members from the poorer areas of the big cities believe that the state should spend money on setting up parks in the cities, so that the kids there can play in them. But there are other members of the legislature who live in rural areas who think that's where the parks should be built.

So they tug and they fuss and they fight, and before the process is over in Texas in the 1983 legislative session, the legislature will have made sure it has enough taxes to be able to spend about $25 billion over the coming two years, on a variety of things.

It might seem odd, but some of that money is money that the individual legislators don't have much control over. A lot of money comes from the federal government, such as welfare payments, hospital care and other services for people. The state simply acts as the coordinator for the spending of that money.

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

Handout #2 Continued

LESSON XIV THE TEXAS LEGISLATURE By Dave McNeely

There are also some on-going programs that get money year after year, that the legislature doesn't have all that much to do with. For instance, a constitutional amendment says that 3/4 of the state gasoline tax of a nickel a gallon goes to building and taking care of the state's highways, while 1/4 of it goes to the public schools. There have been efforts to raise that tax since the increased number of smaller cars has resulted in people buying less gas which means there was less money available. However, the recent five cents per gallon increase in federal gasoline taxes passed by Congress in December provides for an 85 percent return of those taxes to the states. This should help fund the increased cost of maintaining highways and schools.

Many members of the legislature run for the job because it is considered a great honor. But then they get to the job in Austin, they find that they have lots of committee meetings to attend and lots of seemingly unimportant decisions to make, like whether the state should allow beer to be bottled in seven-ounce or twelve-ounce bottles. They must decide how much trucks can weigh so they won't tear up the highways, and they must decide how much the state is willing to put up for teacher salaries, which in turn influences how many students there are in each classroom.

Try to imagine yourself as a member of the legislature, with one group saying the gas tax should be increased while another group is saying it's already too high. Try to think of someone sitting in your office, or telling a committee of which you are a member, that stores should be able to sell their goods on every day of the week. Later on someone will probably try to persuade you to keep the restriction on weekend shopping. A bill is introduced into the legislature which says:

"A person who applies for a certificate of title...for a motorcycle shall sign a statement acknowledging that the applicant is aware of the danger of riding a motorcycle without a helmet."(See Lesson XVI, Handout #2)

Should you support this bill, or are there reasons to vote against it?

These are the decisions that the legislature makes, and they are written into law, and the laws are the rules by which we are all expected to live in this state.

Sometimes it seems like it's a very difficult job. But there always seem to be plenty of people who want the chance to come to Austin and sit in the state capitol to help write those laws. They spend a lot of their own time, and often lots of money from various people interested in the laws they write, to win their elections.

This process is an important one, because in this country, we have the idea that each person should be allowed to vote and that we should be able to decide how our government should run. The greatest single influence we often have is the election of the people from our area who represent us in the state legislature. They are the people who decide how high our taxes will be, how much money will be spent in our schools, and many other things that make a lot of difference in our lives.

Questions:

1. What, according to Mr. McNeely, are the two major and general functions of the legislature?
2. Why do you think the legislators "tug and fuss and fight"? Give an example of an issue legislators might be expected to disagree on.
3. After reading Mr. McNeely's article, do you agree with him that being a legislator is an important job? Why?
4. Interview an adult about whether they think a legislator has an important job, and why.

* ("Good roads" Amendment, 1946)

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LESSON XV

FOUR LEGISLATORS
TELL ABOUT THEIR WORK

I. Objectives

1) Students will identify the constituencies of the legislators they study.

2) Students will identify the major issues which these legislators have addressed.

3) Students will write an article on why or why not they would like to be a legislator.

II. Materials Needed

1) Handout sheets of articles by Representatives Delco and Laney, and Senators Uribe and McFarland.

III. Lesson Plan

1) The teacher will use discretion in deciding how the following articles will be used. Some sections may be read aloud. The students may read other parts silently and then write an essay about the work of a particular legislator, or answer the discussion questions. Another possibility would be to have the students outline or summarize these articles before discussion.

(After these articles have been dealt with the teacher will ask the students to write an article telling why or why not they would like to be legislators.)

2) Students will need to understand the following vocabulary words:

constituent
convene
competency
priority
urban
rural

redistricting
counterpart
turnrow
affluent
liberal

conservative
colleagues
affiliation
legislation
coalition

3) The following discussion questions may be applied to any of the articles; or can be rephrased to make comparisons.

1) Tell as much as possible about the people this legislator represents.

2) What kinds of issues is this legislator concerned with?

3) Do you think the legislator is effective in his or her job? Why or why not?

4) Think about whether you would like to vote for this legislator at the next election. What questions would you like to ask him/her before deciding?

5) Assignment: Write a short article telling why or why not you would like to be a legislator.

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSONS XV

Handout #1
THE ROLE OF A STATE REPRESENTATIVE
by WILHELMINA DELCO

My role as a State Representative is an interesting and challenging one. It is to represent fairly and effectively the interests of all the constituents in my District 50 (Northeast Travis County) in the Texas House of Representatives. The tasks in doing so are many and varied.

First is the task of lawmaking. Every other year the Texas Legislature, composed of the House of Representatives and the Senate, meets for a 140-day regular session beginning on the second Tuesday in January. In 1983, the 68th session of the Legislature will convene on January 11. Every session thousands of bills and resolutions are introduced into both houses of the Legislature. During the 66th session over 4,000 pieces of proposed legislation were introduced into the House. Each bill is checked, numbered, read before the House, and printed for distribution. The bills are then referred by the Speaker of the House to the appropriate one of the thirty standing committees in the House for further study. Bills dealing with student or teacher competency testing, for example, are generally referred to the Committee on Public Education, while bills relating to services provided by the Texas Department of Human Resources would be referred to the Committee on Human Services.

This past session I have chaired the Committee on Higher Education, which studies all legislative matters relating to the eighty-eight State institutions of higher education in Texas.

In committee, bills are sometimes referred to subcommittees for additional study, and bills are discussed in a public hearing. Usually there is public testimony on controversial bills. After testimony is heard, committee members vote on whether or not to recommend a bill to the full House. Committee chairmen, who are appointed by the Speaker, generally have a great deal of influence over which bills are reported out of their committee.

Each bill that is favorably reported out of committee is placed on the House calendar for debate and voting by the full House. If the bill receives a majority "yes" vote on its third reading before the House, it is then sent to the Senate for approval. Once both the House and Senate vote approval of the bill, it goes to the Governor for signature. If the Governor vetoes the bill, it must be referred back to the Legislature. A two-thirds majority vote of the Legislature is then required before the bill can become law.

My responsibilities, then, include proposing legislation that I feel will benefit people in my district. One example of such legislation that I introduced last session was a bill designed to organize and clarify the existing public school curriculum. The bill came after long legislative study of the curriculum and reflected a desire to see improvement in students' basic skills through strengthening the curriculum. The bill passes the House, 122 to 8, but failed to be reported out of the Senate Education Committee. I will introduce the bill again this session.

Another responsibility is to listen to and join in the discussion on all matters before the House and then to vote. Sometimes, towards the end of the session, the House stays in session all day and much of the night in order to finish voting on important issues. I try to familiarize myself with the issues and how each bill will affect my constituents before voting. Needless to say, this process requires much study and reading at home.

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XV

Handout #1 Continued
THE ROLE OF A STATE REPRESENTATIVE
BY WILHELMINA DELCO

As Committee Chairman, I have the additional responsibility of deciding the priority of bills to be considered. Then, too, I must call Committee meetings and chair Committee hearings on bills.

After the session ends in late May, my work as a State Representative does not end. Through the rest of the two-year term (called the interim) I continue to hold regular office hours in my Capitol office. There I meet with constituents who have problems with or questions about State government. Many people who are State employees come to my office for help when they feel that the agency for which they work is discriminating against them on the basis of race or sex. My staff and I investigate these complaints and, if they are justified, try to help the worker. Unfortunately, much racial discrimination still exists in State government as well as in private businesses. I try to educate State employees about their legal rights and State employers about their legal and moral responsibilities.

I receive a great deal of correspondence, which I try to answer within a week after receiving it. Many who write are inmates at the Texas Department of Corrections and request a letter on their behalf to the Board of Pardons or some communication between me and the Director of TDC to ensure that they are treated fairly and humanely.

Rounding out my busy schedule is a series of appointments outside the office. Many groups both in and out of Austin ask me to speak at their annual dinner or awards ceremony. I try to honor all of the Austin requests and as many of the out-of-town requests as my schedule permits. Schools are my favorite places to visit, since education remains my top legislative priority. And I believe that children are often the most interesting and receptive audiences.

As Chairman of the House Committee on Higher Education, I have worked hard during the interim on research into the historical treatment of the two predominantly Black institutions of higher education in the State, Texas Southern and Prairie View A & M University. As a result of the extensive research that my Committee staff and I have done, I have requested several Attorney General's Opinions on the issue of funding for state institutions of higher education. Two of my goals as Chairman of the Committee are to try to equalize the educational opportunities available to both Black and white students in State-supported institutions of higher education and to work toward raising faculty salaries above the national median. In the past, Texas Southern and Prairie View have suffered from lack of State funds, while comparable white State schools have not been so shortchanged. I hope to correct that imbalance.

Thank you for the opportunity to address you, students in the Austin Independent School District and other Texas school districts, about my duties and challenges as State Representative. I hope that all of you will be able to visit the State Capitol when the Legislature is in session.

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XV

Handout #2

LEGISLATIVE SERVICE: A RURAL PERSPECTIVE

BY JAMES E. "PETE" LANEY

DISTRICT 85 REPRESENTATIVE

My name is James E. "Pete" Laney and I am a rural legislator. I was elected in November 1972 to represent District 76 in the Texas House of Representatives. As a result of the required redistricting of the state, my new area will be District 85 when the Legislature convenes in 1983. It is still a rural area composed of many small towns. The district is located in the Panhandle--South Plains region of the state including the counties of Hale, Swisher, Lamb, Castro, Parmer, and Bailey.

As a rural legislator, I have a district that covers more land miles than my urban counterparts, but we both represent approximately 94,000 people. The economy of my district is based on agriculture and agri-business. However, the rural people and the urban dweller share the same hopes and dreams for themselves and their families. The speed of communications and transportation have made us all closer in needs and philosophies. A slogan around many farm areas is "if you eat, you are involved in agriculture," So we do share a common bond. Taxes, education, water, and roads are also issues which can no longer be labeled rural or urban, but Texan.

Even though the needs are similar, serving and campaigning in a rural district are quite different from the same functions in an urban district. In serving as a rural legislator, I believe I am more informal and have more personal contact with my constituents than would be possible for an urban representative. Like most of those I represent, my business is agriculture as I am a full time farmer. Thus, it is not uncommon for me to attend meetings, interviews, or other functions in a farmer's "work clothes" rather than a suit and tie. My urban counterpart would probably never appear so informally. However, my constituents are basically agriculturally oriented and think nothing of my appearance or of meeting me on a turnrow, farm road, or town street.

The functions that are important to life in a small community make up the political forums in my district. I visit with and listen to the needs of my people at these gatherings. Chamber of Commerce banquets, rodeos, parades, county fairs, civic clubs, and other like events are important functions in rural Texas. In addition, I receive about 50 plus phone calls at home each week as well as others in my district office. To me, a rural legislator must have this informal, personal contact. I am the link in my district between the grass roots and the state government. It is a responsibility that I feel priveleged to have and one that I take very seriously.

As I stated, serving as a rural legislator is different from the urban representatives and so is campaigning for office. Television and large billboards dominate factors in the rural campaign. Small town weekly newspapers, radio, and store signs are widely used. However, the most dominant factor in the rural area is personal contact. The campaigns are usually much less expensive than the urban ones and much more time consuming for the candidate.

My rule as a rural representative is to represent and protect the interests of my constituents. They send me hundreds of miles to Austin to fulfill that role. I have found that all they ask is for me to do an honest day's work just as they do at home. The reward comes from helping them to be a vital part of Texas and maintain our chosen rural life style.

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LESSON XV

A SENATOR FROM THE VALLEY
BY SENATOR HECTOR URIBE

Handout #3

As a boy in Brownsville, I remember seeing John F. Kennedy on television. He was youthful, smart and he spoke to all the people, not just those of his party or background. John F. Kennedy was later to become President Kennedy, the first Catholic ever elected to our nations's highest post.

I know that one person can make a difference because John Kennedy made a difference in my life. I decided that if politicians could be like him, then I wanted to be a politician. Kennedy was a mold-breaker. He was affluent, but he talked about problems of our nations's poor. He was an Irish-American, but he pushed for civil rights legislation designed to help blacks and other minorities. If he had lived to see it in full bloom, I'm sure President Kennedy would have supported the women's movement.

My 27th Senatorial District in the Lower Rio Grande Valley has a majority of Hispanic-Americans, primarily Mexican-Americans. It also has a large number of Anglos. But to leave it at that would be a disservice to you. Within both these groups, Hispanic and Anglo, there are businessmen, doctors, lawyers, farmers, farmworkers and everybody in between. I try to listen to all these people because it's my job to represent them in the Legislature.

I've learned a lot from listening to all the different people in my district. Although people expect my district to be liberal because of its large Hispanic population, it is in fact conservative. What this means to me is that we have more in common with each other than we have differences. All of us in my district want a good education for our children, an economy that is strong enough to provide jobs for the weakest among us, and streets that are safe to travel at night. I've tried to stress these things in my legislative career because they are issues we all care about.

As this country grows, I think we will look more and more for things common among us rather than our differences. At the state level, I think we will soon see Hispanics elected by Anglo voters. I believe we will even soon see a Hispanic elected to a statewide office such as the Supreme Court, the Railroad Commission, Comptroller or the Attorney General's Office.

I think the key to these changes will be an ability that was demonstrated by President Kennedy: the ability to speak to all the people rather than just those of one's own background. He set a good example and I intend to follow it.

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LESSON XV Handout #4

A REPUBLICAN'S EYE VIEW OF THE LEGISLATURE
BY BOB McFARLAND

Though one of Texas' two United States Senators is a Republican and the voters elected a Republican Governor in 1978, the state is predominantly Democrat in its voting pattern. When I first ran for office to the House of Representatives in 1976, there were only three Republicans in the one-hundred-fifty member House. By 1981 this number had grown to eight Republicans in the Senate and thirty-eight in the House. Following legislative redistricting in 1981, the 1982 Legislature will have only five Republican members in the Senate and thirty-five in the House. I have served three terms in the Texas House and will be one of the five Republican Senators taking office in 1982.

While you can see Republicans are substantially outnumbered by their Democrat colleagues in both the Texas House and Senate, they have not been ineffective. In the 1981 Legislature a Republican, for the first time, was named to serve as chairman of one of the Senate's nine standing committees. Three other Republicans were named to chair three of the nine standing subcommittees of the Senate. In the Texas House seven of the thirty standing committees were chaired by Republicans. Sixteen Republicans were named as either vice-chairmen or chairmen of standing subcommittees. I was privileged to be named Chairman of the Constitutional Amendments Committee of the Texas House.

Chairmen and vice-chairmen of committees are named in the Senate by the Lt. Governor and in the House by the Speaker. Both of these presiding officers are Democrats. If both such officers are Democrats and the great majority of members are Democrats, why would Republicans be given leadership appointments? Since committee charimanships are important in determining the form of legislation and which bills are considered, doesn't it seem unusual that Republicans are placed in such positions?

In Washington, D.C., the United States Congress is divided on lines clearly drawn between party affiliation. For example, in the United States House of Representatives the Republicans sit on one side and Democrats on the other. The political party with the majority chooses all the chairmen and vice-chairmen of committees. Since the United States Senate now has a majority of its members serving as Republicans, the chairmen and vice-chairmen of all committees in the Senate are Republican. In the United States House of Representatives, where Democrats are in the majority, all chairmen and vice-chairmen are Democrats.

In the Texas Legislature party affiliation is nor nearly as significant.

Though Texas continues to be predominantly a Democrat state, the majority of the elected Democrat members of the Texas Legislature are conservative in their political philosophy. In many instances there is little difference between the voting records of conservative Democrats and Republican members of the house and Senate. For many years the Lt. Governor and Speaker of the Texas House have been basically conservative in their philosophies of government. These presiding officers often rely upon Republican members for the majority vote necessary to adopt or defeat proposed legislation. The conservative Democrat members of the House and Senate are not always of sufficient number to adopt legislation favored by conservative members or to defeat

GOVERNING TEXAS - AN OPPORTUNITY TO PARTICIPATE

LESSON XV A REPUBLICAN'S EYE VIEW OF THE LEGISLATURE

BY BOB MCFARLAND Handout #4 (continued)

legislation proposed by the more liberal members of the Texas Legislature. Oftentimes, the historically conservative vote of Republican members is necessary to effect defeat or passage of legislation favored by the conservative Democrats. Therefore, though less in number, the Republican members have, over the last several sessions of the Texas Legislature, often provided the difference when joining with their conservative Democrat colleagues in passing or defeating legislation.

Because of this, some Republican members of the Legislature have been given positions of committee leadership and often serve as the principal authors of legislation adopted by the two houses.

The Texas Legislature, therefore, generally splits along philosophies of government, i.e. liberal or conservative, rather than party lines. In the last session of the Texas Legislature there were several hundred votes cast on legislative matters where the margin of victory or defeat was very narrow, frequently by as little as ten votes in the Texas House and three or four in the Texas Senate. Republican members joining with their conservative Democrat colleagues provided the difference. So long as this coalition of conservative Democrats and Republicans is required to affect the outcome of legislation, Republicans will, most likely, continue to play an important part in the Texas legislative process.

The Republican Party in Texas has enjoyed its major victories in the larger urban counties of the state. In the 1983 Legislature all of the Republican members of the Senate will represent districts principally situated in Tarrant, Dallas and Harris Counties. Likewise, almost all of the Republican members of the Texas House represent urban areas of the state.

From your personal experiences, both inside and outside of your school, you've found that leadership qualities are not determined by your ethnic background, race or economic status. The same is true in the Texas Legislature. For example, though minorities do not comprise the majority, both blacks and hispanice hold positions of leadership and are effective in the legislative process. So, too, with Republicans and Democrats. Some are more effective than others because (a) they have developed a greater confidence and respect among their colleagues, (b) they are more articulate in debate upon the merits of legislative matters and, therefore, sway the decisions of their colleagues, or (c) they have a better understanding of the Rules of Legislative Procedure under which the House and Senate operate to more ably influence the passage and defeat of legislation. So long as these qulaities continue to play a significant part in the legislative process, members who possess such skills or abilities will be effective without regard to whether they are in the minority.

I, personally, have not found my Republican Party affiliation to be a significant stumbling block in participating in the legislative process in Texas. I think this view would be shared by the majority of my colleagues, both Democrat and Republican.

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XVI

THE LEGISLATIVE CYCLE: HOW A BILL BECOMES A LAW

I. OBJECTIVES

1) Students will demonstrate the ability to interpret the chart, "The Legislative Cycle".

2) Students will discuss and analyze the Legislative Cycle.

3) Students will identify the parts of a correctly written bill.

4) Students will attempt to follow a bill through the legislature. They can inquire from the Texas Legislative Reference Library about what is happening to the bill. [2] They should be encouraged to keep a scrapbook or diary on the information they receive and newspaper articles written on the bill. Students may wish to do research on the subject of requiring motorcycle helmets and discuss or debate the issue.

5) Each student will write a bill, which will include correct placement of these parts:

Number
Author
Caption
Enacting Clause
Body
Emergency Clause

6) Students will read the article "Role of a State Senator" to get insight on how the Senate really deals with a bill.

7) Students will be asked to consider how they could become involved in this process.

II. MATERIALS NEEDED

1) Handouts #1, #2, #3, #4 and #5.

III. Lesson Plan

Day 1 1) Distribute handout #1 including the chart. Discuss the chart, "The Legislative Cycle". Have students answer the questions on the handout sheet. Teacher information: The course a bill must follow is determined by the Texas Constitution and the rules of both houses of the legislature.

Day 2 2) Distribute handout #2. Read aloud and discuss with students. Have them answer the questions about SB 39. Ask students to try to follow the course of the bill through the legislature and to keep a scrapbook or diary on information obtained about the bill.

3) Students will each be asked to write a bill on a selected issue. Distribute Handout #3. Explain the abbreviations "HB" (House Bill) and "SB" (Senate Bill). Assign each student a bill number.

4) Handout #4 is a check list which will be useful in letting each student check another student's work and then offer suggestions.

Day 3 5) Have students read the article by Senator Lloyd Doggett, either silently or together. Discuss, using the questions provided, or ask for written responses. (This article will be referred to later in a lesson on the executive, also).

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[2] *For information call either 475-3026 (Austin) or the toll free number, 1-800-252-9693. Further information may be obtained from legislators in your district.*

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XVI

THE LEGISLATIVE CYCLE:
HOW A BILL BECOMES A LAW

Handout #1

A bill is a proposed law. The chart, "The Legislative Cycle", shows the very complicated procedure a bill follows to become a law. After studying this chart, you will see why most bills do not become laws!

I. The chart shows 33 possible steps a bill may take in the legislative process. The steps where the bill may be defeated are listed below. Explain each briefly.

4:
7:
#10:
#13:
#17:
#20:
#23:
#29:
#31:

II. A bill must be considered by many committees. The steps where a bill is considered by a committee are listed below. For each step listed, decide whether the bill is in full committee, subcommittee, or calendar committee. Place a ✓ in the correct box.

STEP IN PROCESS	FULL COMMITTEE (or just "COMMITTEE")	SUB COMMITTEE	CALENDAR COMMITTEE
#2			
#3			
#5			
#6			
# 9			
#18			
#19			
#21			
#22			

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LESSON XVI

THE LEGISLATIVE CYCLE:
HOW A BILL BECOMES A LAW

Handout #1 Continued

III. Fill in the blanks:

1) During steps #1 through #17, the bill is being considered by the ________________

2) During steps #16 through #28, the bill is being considered by the ______________ .

3) In step #32, the ____ signs the bill.

4) In step #33, the bill becomes ____ .

5) This chart only represents a bill originating (starting) in the ___________________ .

IV. Questions:

1) What determines the course a bill must follow to become law?

2) Name one way in which the process in the House differs from the process in the Senate.

3) Why do you think the whole process is long and complicated? Do you think this is good or bad ? Why?

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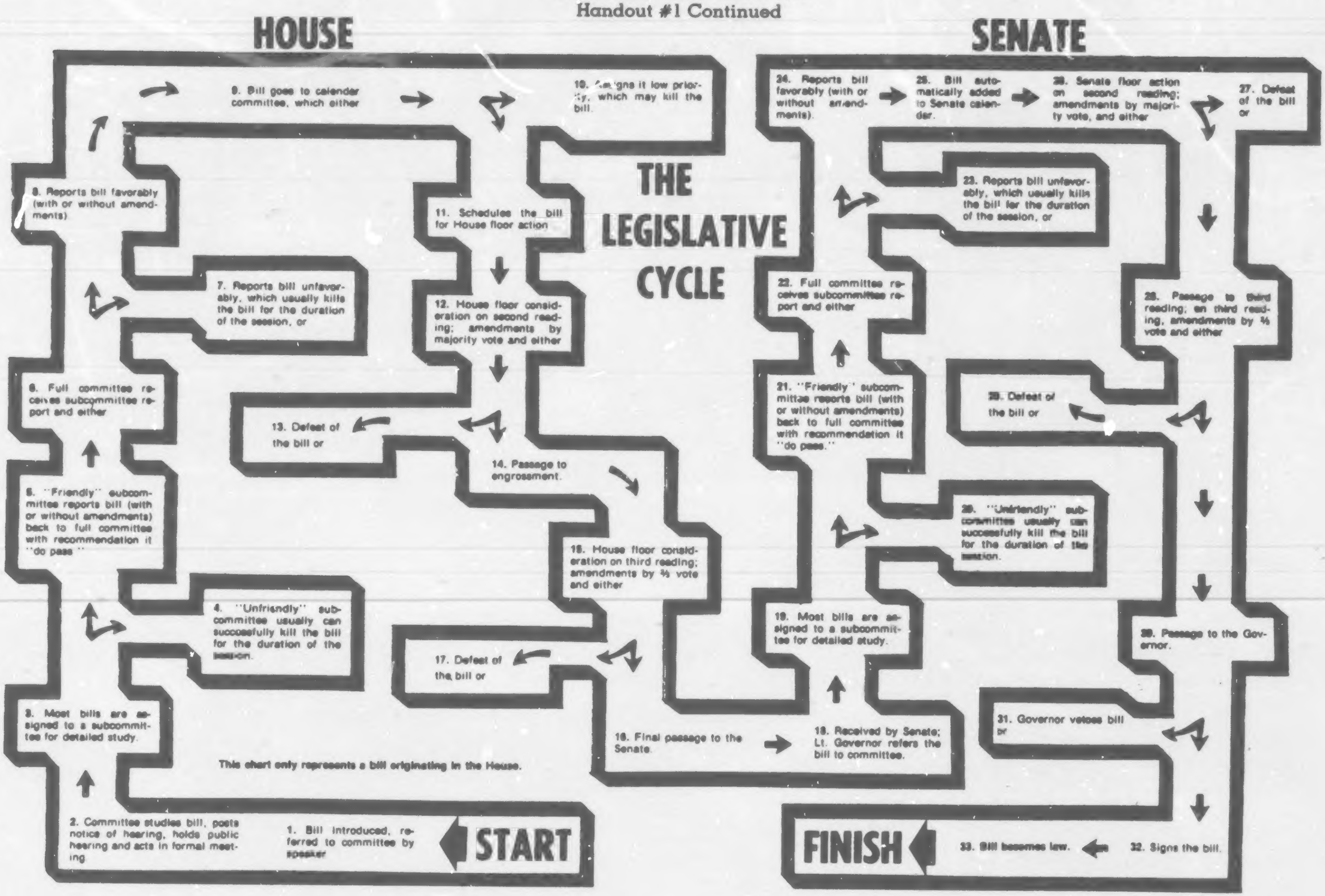
LESSON XVI

THE LEGISLATIVE CYCLE: HOW A BILL BECOMES A LAW

Handout #1 Continued



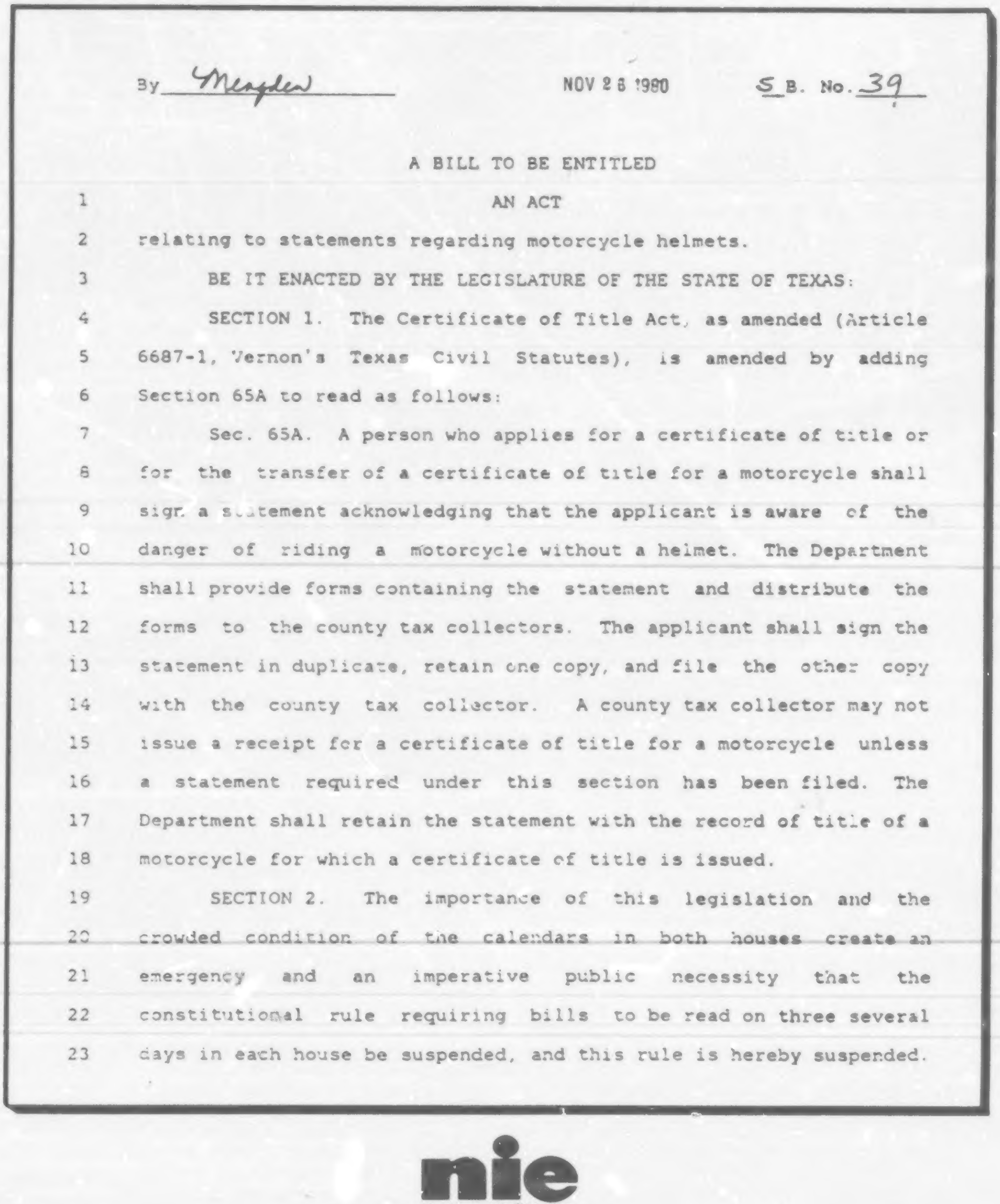
1. Bill introduced, referred to committee by speaker
2. Committee studies bill, posts notice of hearing, holds public hearing and acts in formal meeting
3. Most bills are assigned to a subcommittee for detailed study.
4. "Unfriendly" subcommittee usually can successfully kill the bill for the duration of the session.
5. "Friendly" subcommittee reports bill (with or without amendments) back to full committee with recommendation it "do pass."
6. Full committee receives subcommittee report and either
7. Reports bill unfavorably, which usually kills the bill for the duration of the session, or
8. Reports bill favorably (with or without amendments)
9. Bill goes to calender committee, which either
10. Assigns it low priority, which may kill the bill.
11. Schedules the bill for House floor action
12. House floor consideration on second reading; amendments by majority vote and either
13. Defeat of the bill or
14. Passage to engrossment.
15. House floor consideration on third reading; amendments by ⅔ vote and either
17. Defeat of the bill or
16. Final passage to the Senate.
18. Received by Senate; Lt. Governor refers the bill to committee.
19. Most bills are assigned to a subcommittee for detailed study.
20. "Unfriendly" subcommittee usually can successfully kill the bill for the duration of the session.
21. "Friendly" subcommittee reports bill (with or without amendments) back to full committee with recommendation it "do pass."
22. Full committee receives subcommittee report and either
23. Reports bill unfavorably, which usually kills the bill for the duration of the session, or
24. Reports bill favorably (with or without amendments).
25. Bill automatically added to Senate calendar.
26. Senate floor action on second reading; amendments by majority vote, and either
27. Defeat of the bill or
28. Passage to third reading; on third reading, amendments by ⅔ vote and either
29. Defeat of the bill or
30. Passage to the Governor.
31. Governor vetoes bill or
32. Signs the bill.
33. Bill becomes law.

This chart only represents a bill originating in the House.

*From the Texas Advisory Commission on Intergovernmental Relations

LESSON XVI

THE LEGISLATIVE CYCLE: HOW A BILL BECOMES A LAW
Handout #2



By Mengden NOV 26 1980 S B. No. 39

A BILL TO BE ENTITLED

AN ACT

relating to statements regarding motorcycle helmets.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The Certificate of Title Act, as amended (Article 6687-1, Vernon's Texas Civil Statutes), is amended by adding Section 65A to read as follows:

Sec. 65A. A person who applies for a certificate of title or for the transfer of a certificate of title for a motorcycle shall sign a statement acknowledging that the applicant is aware of the danger of riding a motorcycle without a helmet. The Department shall provide forms containing the statement and distribute the forms to the county tax collectors. The applicant shall sign the statement in duplicate, retain one copy, and file the other copy with the county tax collector. A county tax collector may not issue a receipt for a certificate of title for a motorcycle unless a statement required under this section has been filed. The Department shall retain the statement with the record of title of a motorcycle for which a certificate of title is issued.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XVI

THE LEGISLATIVE CYCLE:
HOW A BILL BECOMES A LAW

Handout #2

All laws have to start in the form of a bill. Bills have to follow a specific form, or they will not be considered at all.

Each bill must have a **Number** and **Author.** These are written on the first page. Often a bill will have co-signers, which means that other legislators also sign the bill, in addition to the author.

The **Caption** of a bill is the first few lines. It is a general statement of the subject of the bill.

The **Enacting Clause** is required by law. It is written:

"Be it enacted by the Legislature of the State of Texas."

The **Body** of the bill details exactly what this proposed law would do.

Most bills have what is called an **Emergency Clause.** The short version of this clause allows for the suspension of the three-reading rule by a vote of four-fifths of either house. That means that the second and third readings can occur on the same day which speeds up the process. The long version includes language which makes it possible with a vote of two-thirds by both houses for legislation to take effect earlier than 90 days after the session is adjourned.

It is interesting to note that in the large majority of cases the legislature does not vote to suspend the three reading rule, or to make the legislation effective immediately.

The **Emergency Clause** appears at the end of the bill and the short version usually begins with these words:

"The importance of the legislation and the crowded condition of the calendars in both houses create an emergency."

Study Senate Bill No. 39

Study SB 39 (Senate Bill #39) on the next page. Answer the following questions by writing the correct answer in the blank.

1. The bill was presented by ____________________.

2. Its Number is ____________________.

3. The ____________________ is found in lines 1 and 2.

4. The Enacting Clause is found on line ____________________.
   (The wording will be slightly different.)

5. The Body of the bill is in Section ____________________.

6. The Emergency Clause is on lines __________ through __________.

Follow this bill through the legislature to find out what happens to it.

The class may wish to discuss or debate the pros and cons of the bill.

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LESSON XVI

THE LEGISLATIVE CYCLE:
HOW A BILL BECOMES A LAW

Handout #3

Form for Writing a Bill

Author ______________________________ Number ______________________

Title: __________________________________

1. ____
2. ____
3. ____
4. ____
5. ____
6. ____
7. ____
8. ____
9. ____
10. ____
11. ____
12. ____
13. ____
14. ____
15. ____
16. ____
17 ____
18. ____
19. ____
20. ____
21. ____
22. ____

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LESSON XVI

THE LEGISLATIVE CYCLE:
HOW A BILL BECOMES A LAW
Handout #4

		YES	NO
I.	1) Is the Author of the bill listed?	______	______
	2) Does the bill have a number?	______	______
	3) Does the Caption of the bill tell what the subject is?	______	______
	4) Does the Caption end with the words "and declaring an emergency"?	______	______
	5) Is the Enacting Clause written in the bill?	______	______
	6) Does the Body of the bill tell what the law would do?	______	______
	7) Is the Emergency Clause written at the end of the bill?	______	______

II. Suggestions for the Author of this bill: ______________________________

____

____

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XVI

Handout #5
THE ROLE OF A STATE SENATOR
BY SENATOR LLOYD DOGGETT

A Texas Senator's job is similar to that of elected legislators in other states and in Congress. The primary role of course is to be the representative of the people who elect you to office. In Texas government, as with the Congress and 49 of the 50 state legislatures, we have a bicameral legislature. That means we have two legislative houses, which in Texas are called the Senate and House of Representatives. The Texas Senate has 31 members while the House of Representatives has 150. A major difference between a state senator and representative is that a senator represents many more constituents than does a state representative. In Texas, a senator has about 456,000 people living within the boundaries of his of her legislative district, while a representative's district has about 94,000.

Both senators and representatives are paid only $600 a month, a limit set in the Constitution and a far cry from the $61,000 a year (with an increase to $74,000 under consideration) paid members of the U.S. Congress. The result is that the Legislature is a rather exclusive place, with most legislators being lawyers and business persons who make enough money in other endeavors not to have to rely on a legislator's pay - and who are able to devote large amounts of time away from their jobs. Few average citizens can consider serving since most are unable to take off from their jobs for 4½ months every other year and devote substantial amounts of time year-round to other legislative responsibilities. As a result, there are few, if any, mechanics, carpenters, or truck drivers serving in the Texas Legislature, which is why it is not as representative a body as it should be.

Once elected to office, a legislator has to keep in close contact with constituents in order to know their opinions when casting a vote for or against an issue or when introducing new legislation. Keeping abreast of the concerns and feelings of his or her constituency is a major part of the legislator's role. The senator or representative will visit local business and professionals associations, schools, church organizations, labor union meetings, factories, and shopping centers. Some legislators periodically send out newsletters containing a questionaire covering major state issues. Readers may return the questionaire, allowing legislators to get a sampling of the opinions of their constituents. Legislators also meet frequently with individual citizens or groups to learn of their interests and concerns.

An important power of the Senate is the confirmation of appointments. The appointment power itself is of course a very significant power of the Governor, though there are a few appointments that are made by other state officials such as the Chief Justice of the Supreme Court. The Senate Nominations Committee can hold hearings on any appointee forwarded for confirmation, and when an appointment comes to the Senate floor for consideration the individual must receive the favorable vote of two thirds of the Senate members. It is unfortunate that appointees sometimes do not receive as careful scrutiny by the Senate as they should before assuming the very powerful posts.

It is rare for the Senate to fail to confirm a nominee when the senator in whose district that nominee resides agrees to the appointment. However, if the senator in whose district a nominee resides disagrees with the Governor's choice, the tradition of "senatorial courtesy" normally means that the Senate will honor the opinion of the senator and deny confirmation.

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LESSON XVI

Handout #5 Continued
THE ROLE OF A STATE SENATOR
BY SENATOR LLOYD DOGGETT

Once a bill has been considered and approved by a Senate committee, it is eligible for consideration and passage on the Senate floor. However, bills are considered neither aby recommendation of a canendar committee as in the House of Representatives, nor by simple chronological order. Bills come out of committee and are placed on a calendar in the order they are reported out of committee. However the Senate does not go by the calendar and instead a two-thirds vote is required to bring a bill up out of the order on the calendar. In practice the two-thirds vote is used almost all the time so considerable support is needed if a bill is to even be considered by the Senate. The Lieutenant Governor makes use of this major power to recognize or refuse to recognize a legislator to obtain this difficult two thirds vote at a particularly opportune time.

Convening in regular session only 140 days every two years, the legislature must consider a tremendous number of measures within a relatively short period so that many proposals do not receive the careful scrutiny they should. Most legislators don't have time to read many of the bills introduced during a session or to become well informed on most of them. Unfortunately proposals have been rejected for amending the Constitution to allow the Legislature to more thoroughly consider bills by meeting every year. Many lobbyists for trade associations prefer the current system, which causes busy legislators to rely upon them as the principal source of information about bills.

Perhaps because the legislative process seems so complicated, many people today, including young people, don't seem to care very much about their legislature and its operations. Many others feel they have little influence over their legislators and the way they vote. But most of these same people have probably taken little time or made little effort to learn about the political process, for it is far easier to complain about government than it is to work to change it.

By learning the way the legislature works, citizens can greatly imporve the chances of having their economic, political or social viewpoints better represented. The history of America and Texas offers many examples of individuals and groups who made significant changes in our society through the political process.

State government issues may not seem as important as national or international ones. However, it is far easier for individual citizens to begin working in the political process close to home, which means at the local or state government level. That is why the study of Texas Government is so important. Education and political participation are the most effective tools you can have in helping you make government responsive to the goals you think our society should be achieving. Without educating yourself and then participating, you are giving away your hopes and desires for our state and country to someone else.

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LESSON XVI

Handout #5 Continued

THE ROLE OF A STATE SENATOR

BY SENATOR LLOYD DOGGETT

A senator or representative must stay informed on a wide variety of issues. During a session of the Texas Legislature as many as 4,000 bills are likely to be introduced, on topics as diverse as home mortgages, motorcycle helmets and public school teachers' salaries. Serving as a legislator involves much more than voting on bills, however. An important duty is assisting constituents with problems involving state government agencies. A problem with an unemployment check, concern about state regulation and help in finding a job are a few of the typical requests a state legislator receives. Such inquiries require a tremendous amount of time on the part of both the legislator and staff.

Because so many bills are introduced in a legislative session, the majority of them never receive substantial consideration. When a bill is introduced in the Senate, it is referred to a committee by the Lieutenant Governor. Committees can approve a bill, which means it can then be recommended to the full Senate for consideration, or by inaction or unfavorable action committees can kill a bill.

The appointment of committee members and the referral of bills to committees are very important powers of the Lieutenant Governor. Suppose a Lieutenant Governor wants to have a committee that is favorable to farmers. He can appoint senators whose districts are largely rural and heavily agricultural in order to accomplish that. He may want another committee that is sympathetic to business, so he appoints members who are involved with businesses. And perhaps he wants a committee that is favorable to consumers, so he appoints senators with a good record on consumer issues. As a result of these actions, when the Lieutenant Governor refers a bill to a committee he may in fact be determining its fate. For example, if there is a consumer-oriented bill that he doesn't want to pass, he could refer the bill to the business committee, where it might well be received with great skepticism. On the other hand, he may want an agricultural bill he likes to quickly get out of committee and be ready for floor consideration, so he refers it to the agriculture committee, whose members will be sympathetic. Committee chairpersons, whom the Lieutenant Governor also appoints, can greatly contribute to the success or failure of a bill that has been referred to committee. This gives the Lieutenant Governor further power in determining the outcome of legislation.

The influence of the Lieutenant Governor through his appointment powers is also very obvious in the area of state budgeting. By controlling who is appointed to the Senate Finance Committee and as Senate members of the Legislative Budget Board, a Lieutenant Governor exerts considerable control over appropriations to state agancies and funding of various state programs. By knowing the viewpoints of those he names, and by his continuing influence with those appointees, a Lieutenant Governor can enhance the chances of increased appropriations for programs he thinks worthy and make existence more difficult or impossible for those he does not favor.

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LESSON XVI

Handout #5 Continued
QUESTIONS
THE LEGISLATIVE CYCLE: HOW A BILL BECOMES A LAW

1. About how many bills are introduced in the legislature each session?
2. Name three ways in which the Lieutenant Governor can affect a bill's success in the legislature.
3. a) Senator Doggett doesn't feel that legislators study all the bills carefully. What keeps them from doing so?

   b) What would Senator Doggett like to see happen to correct this problem?
4. Senator Doggett suggests that if a citizen takes time to be informed on the issues he or she can affect the legislature. From what you know about how a bill becomes a law, how could you become involved in this process, either to support a bill or to stop a bill?

LESSON XVII

THE LIEUTENANT GOVERNOR:
PRESIDENT OF THE SENATE

I. OBJECTIVES:

1. Students will be able to explain how the Lieutenant Governor attains office.
2. Students will be able to say what the Lieutenant Governor's official duties are and what his role as president of the Senate actually is.

II. MATERIALS NEEDED:

1. Handout of article by Lieutenant Governor Hobby.
2. Handout of the portion of Senator Lloyd Doggett's article which describes the lieutenant governor's role (from Lesson XVI).

III. Lesson Plan:

1. Review what Senator Doggett says about the role of the lieutenant governor.
2. Have students read what Lieutenant Governor Hobby has written about his own role.
3. Discuss the lieutenant governor's role. Be sure the following points are included:
   a. The Texas Constitution creates a situation different from that in the federal government. Unlike the president and vice president of the United States, the lieutenant governor does not run on the ballot jointly with the governor, but is elected separately and may represent a different political party.
   b. The lieutenant governor has two major duties: to become governor should the governor be unable to serve and to be President of the Senate.
   c. The lieutenant governor has great power in the Senate (due to rules adopted by that body) that involve administration, organization, planning and procedures.
   d. Lieutenant Governor Hobby thinks his office should not be changed - it should remain a strong office.
4. Have students write a class letter to the lieutenant governor asking him what changes he supports "in the office of the governor and in the legislature" as stated in his article.

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XVII

Handout #1

THE LIEUTENANT GOVERNOR

BY WILLIAM P. HOBBY

Following the Civil War, Texas was filled with people from the North who had supported the Union Army and were seeking their fortunes in Texas. These people were known as Carpetbaggers because it was said they came with all their possessions in a single carpetbag.

These Carpetbaggers took over Texas government because those citizens who had supported the Confederacy, during the Civil War, were barred from voting. The Constitution of 1869 was written by these Carpetbaggers or Unionists and the people felt the government it created was repressive and corrupt.

In the fall of 1875, a group of citizens met in Austin, Texas to write a new constitution. They met at a time when the people's trust in their government was at an all time low. The constitution they wrote reflected that lack of trust.

These Texans wanted to make sure that the new government was the servant of the people rather than their master. The constitution which they wrote was approved by the people on February 15, 1876. It remains our constitution, although it has been amended many times.

The Constitution of 1876 makes the governor the chief executive officer of the state, but gives him only limited powers with which to lead the government. Although the governor has some important constitutional duties, his greatest strength comes through the power of his personality to encourage others to support his policies.

In their determination to create a weak executive, the writers of the constitution of 1876 very nearly abolished the office of lieutenant governor. The motion that this office be abolished failed by only two votes. I join the thirty-seven other citizens who have served as lieutenant governor in expressing appreciation to those early Texans who felt we should have a lieutenant governor.

The Consitution of 1876 gives the lieutenant governor two duties: (1) to become governor should the governor be unable to serve; and, (2) to be president of the senate. In giving the lieutenant governor these two duties while, at the same time, limiting the powers of the governor, the writers of the constitution created a very strong lieutenant governor. I am rather doubtful they knew exactly what they were doing.

Many of those who understand the structure of our state government and who have watched it operate believe the lieutenant governor is its most important officer. The importance of this office comes from the two constitutional duties mentioned above and from several statutory committees on which the lieutenant governor serves.

The lieutenant governor performs both executive and legislative functions. As a member of the executive branch, I am first in line of succession to the governorship and I serve as governor when the governor is out-of-state.

Each day Governor White is out of the state, I serve as acting governor. On these occasions, I do little more than sign documents already approved by the governor. However, under the constitution, I can exercise any of the powers given to the governor.

One of my fellow lieutenant governors took advantage of a similar constitutional provision to make a number of decisions not previously approved by the governor. The governor of his state, California, was more than a little disturbed by this and began to limit his trips out of state.

When I serve as governor, I am paid on the basis of the governor's salary. As lieutenant governor, my salary is $7,200 a year — the same as that received by members of the senate.

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XVII

Handout #1 (Continued)

THE LIEUTENANT GOVERNOR

BY WILLIAM P. HOBBY

For each day I serve as governor, $20 is subtracted from my salary and I am paid $195.62 as acting governor.

I perform legislative functions because of my constitutional duty to be president of the senate. This duty gives this office the greatest part of its power.

At the beginning of each session of the legislature, the 31 members of the Texas Senate adopt procedural rules to govern their operations. Traditionally, the power granted to the lieutenant governor by the senate rules are extensive. I appoint the committees that review each proposed bill or resolution before it is considered by the senate as a whole. I recognize senators to present proposals for debate. I decide points of order which may be raised by the senators to question any procedure.

Because of the powers given by the senate to the lieutenant governor, any individual serving in the office could be very arbitrary in presiding over the senate. However, the senators can take away powers as well as give them. If I were unnecessarily arbitrary in the use of my powers as president of the senate, the senators could rewrite the rules to take these powers away.

I must always be responsive to my statewide constituency and to the 31 senators and their constituencies. My role is often that of referee for the senators with their different views; and, I must balance this role with my responsibility to serve all the people of Texas. This balancing act is not always easy, but it does serve to help protect the rights and interests of the public.

Over the years, the lieutenant governor has been given additional powers through legislation. By statute, I am chairman of the Legislative Budget Board and the Texas Legislative Council, and a member of the Legislative Audit Committee. These agencies play key roles in the legislative process.

As chairman of the Legislative Budget Board, I am able to influence the way in which state tax dollars are spent. The different agencies of government present budget requests to the Board which reviews the requests and prepares a budget recommendation for the legislature. In preparing its budget recommendations, the board balances the reasonableness of the various requests and determines where the greatest need for state funds exists.

The governor also presents a budget recommendation to the legislature. However, as the Legislative Budget Board is a creature of the legislature, the board's recommended budget is given the greatest attention.

The Legislative Council studies problems facing the state and drafts legislation to address those problems. I assist in identifying problems to be studied and in choosing the proper legislative response.

As a member of the Legislative Audit Committee, I help choose the state auditor, who has the responsibility to make certain that state funds are spent for the purposes intended by the legislature.

I am often asked what changes I would recommend for the office of lieutenant governor. With the office as strong as it is and with its involvement in the most important functions of government, I have no recommendations for changes. I support a number of changes in the office of governor and in the legislature, but I would hope the office of lieutenant governor would remain much as it has been during my period of service.

I have found the ten years I have served as lieutenant governor to be both challenging and rewarding. I have had the privilege of participating in the legislative process which is at the heart of our democratic system of government. I have occupied a position unique among the 50 states. And, I have served a state with a grand history and a promising future.

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LESSON XVIII

A SPECIAL JOB: SPEAKER OF THE HOUSE OF REPRESENTATIVES

I. OBJECTIVES

1) Students will read the article about the Speaker of the House and answer questions regarding the importance of the position.
2) Students will discuss the process of being elected speaker after reading the article by former Speaker Bill Clayton.
3) Students will become acquainted with the successor to Bill Clayton as Speaker of the House for the Texas Legislature.

II. MATERIALS NEEDED

1) Handouts #1 and #2

III. LESSON PLAN

1) Distribute Handout #1. Review vocabulary words in the article by former Speaker Clayton: altered, precedent, compensation, role, vital, challenges, diluted.
2) Discuss the questions on Handout #1.
3) Distribute Handout #2. Discuss the following questions with the students. Who is the first new speaker since 1975? Do you think one person should hold the office for that long? Why or why not? What might be some reasons why only two members voted against the new speaker? What does Mr. Lewis list as the major issues for the 1983 session? How does the list compare with Senator Doggett's list?
4) Have students compare and contrast the offices of lieutenant governor and speaker of the house in one of the following ways:
   a. Write individual essays on the subject.
   b. As a class or in small groups come up with a list of similarities and differences between the two offices. Combine all the ideas on one big chart, for example:

Comparing the Offices of the Lieutenant Governor and the Speaker of the House		
Similarities	Differences	
	Lieutenant Governor	House Speaker

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XVIII

Handout #1

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

by Former Speaker
Bill Clayton

The first Texas Legislature met in Austin in February of 1846 and the 66 House members elected William E. Crump as Speaker of the House. To the present, only 59 men have held that position.

In 1979, we changed the history books by my election as speaker for a third consecutive two-year term, and in 1981 I was elected again to that position.

The Texas House has repeatedly altered its history through the almost 135 years it has met. Today, there are 150 members or more than double the original number. For the last 90 or so years we have met in the same chamber in the Capitol building.

That first legislative session was just 10 years after the fall of the Alamo and the Battle of San Jacinto. We had been a state only six weeks and war with Mexico was a certainty. The Speakership changed four times in eight days as organization of the House began without benefit of precedents.

Many of the traditions and rules for governing that began in those early days remain with us today. The speaker, who is the presiding officer of the House, is elected at the beginning of the session by his fellow representatives. The speaker may vote on all questions under consideration in the House. The speaker does not receive any additional compensation as a presiding officer, although he is provided with an apartment in the Capitol building.

At the beginning of each session, the speaker appoints chairmen of committees and assigns members to committees, except for seniority choices. He also has the responsibility of appointing any special committees and assigns bills to the various committees.

The role of the speaker has changed as Texas has changed. Not too many years ago there were considerably less than the 14 million people who live in Texas today. Our state budget did not even approach the $20 billion we are currently spending for a two year period. That many people have made for a great many additional problems. That much money being spent has made Texas government a big business.

The speaker's responsibilities have become more magnified. The role calls for a thorough knowledge of the problems and the proposed solutions. It calls for being on the job year around.

There are some who would say that the speaker has become more powerful. I would say the speaker's job has by necessity become a focal point for legislative action. If the job were not carried out fully, then the process could bog down under the weight of thousands of proposals which are introduced. Inaction would result if committees were not set to attack problems that occur during the 18 months of the term that the legislature is not in session.

The speaker of tomorrow will face even stiffer challenges as he works through the House membership to cope with the problems that face us. With even more people and a greater budget, the speaker's role in the future will be vital in keeping our legislative system sound. If that ability to take charge of problem situations within the process is diluted, then the House will have great difficulty in meeting challenges and the people of Texas will find its legislature limited in its responses to problems.

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LESSON XVIII

Handout #1 Continued

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

by Former Speaker
Bill Clayton

QUESTIONS

1. How many men have been speaker of the house?
2. How did Mr. Clayton change the history of the speaker's office in 1979 and again in 1981?
3. Does the speaker receive any extra salary for his work?
4. Since you have studied the way a bill goes through the legislature, name as many ways as you can in which the speaker can influence whether a bill passes or not.
5. What are some other reasons the speaker's job is so important?

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LESSON XVIII

A SPECIAL JOB: SPEAKER OF THE HOUSE

Handout #2

Lewis elected House speaker in landslide

By BRUCE HIGHT and CANDICE HUGHES
American-Statesman Staff

House members selected their first new speaker since 1975, and state senators readied for battle over lame-duck gubernatorial appointments as the 68th Legislature opened for business Tuesday amid a throng of lawmakers' families, friends and curious onlookers.

As expected, a landslide vote made Rep. Gib Lewis, D-Fort Worth, speaker of the House. One of the most powerful positions in state government, the speakership had been held by Democrat Billy Clayton for an unprecedented four terms.

Lewis, a 45-year-old with 12 years in the House, began his tenure on an optimistic note by saying the state can get by without a tax increase.

In the Senate, Lt. Gov. Bill Hobby referred appointments by Republican lame-duck Gov. Bill Clements to the nominations subcommittee, where they will sit until Democratic Gov.-elect Mark White takes office next week. Then White is expected to ask that they be returned to him so he can consider his own nominees to the positions.

It takes only a majority — 76 votes — to win the speakership. Lewis got 144. Only two members voted against him: one-time speaker candidate Rep. Carlyle Smith, D-Grand Prairie, and Rep. Milton Fox, R-Houston. Two members were absent, and two others — including Lewis — didn't vote.

Lewis outlined the big issues for the 1983 session: highways, prisons, education, water, energy and a crackdown on drunken driving. The budget, he said, will be — as always — the "major battleground" of the session.

Lewis said he will propose changes in House rules Wednesday. The major change would let Lewis appoint the entire Appropriations Committee. Under Clayton, 10 of the 21 members got there by seniority, but there appears to be little opposition to the change.

Austin American-Statesman
Jan. 12, 1983

LESSON XIX

LOOKING AHEAD—THE LEGISLATURE

I. Objectives

1) Students will identify the major issues which will confront the new Legislature.

2) Students will demonstrate the ability to distinguish fact from opinion in regard to legislative issues.

3) Students will determine and defend their opinions on at least three of the issues.

4) Students will select one issue, determine alternative choices on the issue, and list positive and negative consequences of each alternative choice using the Decision Tree.

5) Students will gather information from the newspaper and other media about a selected legislative issue.

6) Students will determine "Who, What, When, Where, and Why" in regard to a legislative action.

7) Students will be introduced to the purposes and procedures of the Sunset process.

II. Materials needed

1) Handouts #1, 2, 3, 4 and 5.

2) Transparency of Handout #4.

3) (Optional) Handout #4 may be used in the form of a classroom chart or bulletin board.

4) (Optional) District maps in Appendix B.

It is suggested that the teacher order a copy of the special material on the Texas Legislature published by the Austin American-Statesman.
Write Educational Services Director, American-Statesman, P. O. Box 670, Austin, Texas 78767.

III. Lesson Plan (Including extended activities)

1) Distribute, read aloud and discuss Handout #1.

2) Ask students to write answers to questions #1-3; discuss.

3) Distribute Handout #2. Explain the list of issues briefly to students. Explain the phrase "legislation for the purpose of"..

4) Ask students to answer the questionnaire and explain any three of their answers.

5) Distribute Handout #4; "The Decision Tree."

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LESSON XIX

LOOKING AHEAD—THE LEGISLATURE
(Continued)

6) Ask the class to choose the legislative issue which interests them most, by voting or consensus (An opinion held by all or most) or some other procedure such as teacher choice.

7) BRAINSTORM the possible choices by asking. "What could the legislature do about this issue?" Write all student responses on the board.

8) Come to a consensus, through discussion, of which three choices are most likely to be considered.

9) Write these three choices on the Decision Tree. As a class or individual activity, fill in positive and negative consequences for each decision. Then ask students to fill in the top box, i.e., to make a choice and defend it. The teacher will fill in a transparency as students fill in their handouts.

10) As a class project, the students should follow legislative action on the issue they have chosen that interests them most. They should be encouraged to read the newspaper every day and clip articles about that issue. (In the American-Statesman most of these articles will be found in the first two sections, A and B, of the paper). Students should also be encouraged to collect information from other media, and discuss the differences in the ways the information is presented. Background information may also be requested from organizations such as the League of Women Voters. Use the form on Handout #4, either as a handout, or as a classroom chart or bulletin board. It is suggested that credit be given to students who bring information on the issue to class.

11) Read together and discuss handout #5 on "Sunset '83". (Note that the teacher can obtain more detail from Dave McNeely's article on the subject in the special supplement "Texas Legislature '81", Austin American-Statesman, Dec. 21, 1980, page H1)

12) As an enrichment activity, encourage students to contact the staff of a state legislator to find out how that legislator uses the information and opinions he receives in the mail from his or her constituency.

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GOVERNING TEXAS -- AN OPPORTUNITY TO PARTICIPATE

LESSON XIX

LOOKING AHEAD — THE LEGISLATURE
Handout #1
SENATOR DOGGETT'S NEWSLETTER

Senator LLoyd Doggett sent the following article in a newsletter to the people who live in his senatorial district. It was sent to 135,000 households in District 14, which includes five counties: Blanco, Burnet, Caldwell, Hays, and Travis. In this article, Senator Doggett gives his opinions.

WHAT CAN WE EXPECT FROM THE 1983 LEGISLATURE?

The new Governor and other new statewide officials, as well as some turnover in the Legislature, provide hope that 1983 will be a better year. While most of the issues haven't changed, the prospects for a more productive way of handling them have improved significantly.

With one unfortunate chapter of Texas government about to end we now need to work together to fulfill pledges made during the recent campaign season. Among the first concerns will be consideration of appointments to the Board of Regents at UT and SWT and to many regulatory boards, such as those involved in setting pollution standards. A top concern in the gubernatorial race was more effective utility regulation; this is a matter in which I will once again be an active participant.

Though blessed with sufficient resources to avoid tax increases, the Legislature will continue to struggle with the allocation of limited monies between education, highways and other public needs. A number of interim studies dealing with water, DWI and strengthening the criminal justice system also await attention.

WHAT ROLE WILL YOU PLAY IN THE NEXT SESSION?

Too regularly the Legislature established public policy on the basis of weak claims by strong forces rather than through a balanced presentation of competing points of view. My role is often that of adding some equilibrium to the process by speaking out for those who can't afford a lobbyist at the Capitol.

Stopping the passage of bad legislation is often equally as important as gaining approval for good new laws. Sometimes this can be accomplished by quiet, hard negotiating toward a reasonable compromise; sometimes it requires focusing public attention on an issue through lengthy remarks on the Senate floor. Experience with many subjects in previous sessions, combined with Senate membership changes that have moved me to eighth in seniority among 31 Senators, creates increased opportunity to have an impact on a wide range of issues.

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XIX

LOOKING AHEAD - THE LEGISLATURE
Handout #1 (continued)

WHAT IS YOUR 1983 PROGRAM?

Most of our work will concern subjects we have dealt with in the past. Once again I will be concerned with the needs of state employees and retirees, as well as those involved in education. Reforms aimed at more open and responsive government will also receive continued attention. Specifically, I will reintroduce legislation to strengthen the Open Meetings Act and to require more thorough reporting of lobby activity.

Following a further inquiry by the Subcommittee on Consumer Affairs into the state Crime Victims Compensation Fund, I will seek to rectify problems with the program's funding mechanism. It is imperative that we provide assistance to those injured by violent crimes.

I have prefiled a number of bills so that they can receive early consideration in January. They cover too many subjects to be outlined completely, but a few of the new measures I have authorized are those seeking to:

(indent the following)

Strengthen emergency medical services (EMS) throughout Texas. While techniques of treating acutely injured and seriously ill patients have improved tremendously, present state law has not changed much since 1943 when a pickup truck with splints and a first aid kit could qualify as an emergency vehicle. I have been working with EMS personnel, the Health Department and concerned health care groups to establish minimum standards for EMS personnel certification and emergency vehicle licensing. This should enable the public to be secure in the knowledge they are being handled by people trained and equipped to deal with the emergencies they meet.

Ensure employees the "right to know" concerning exposure to toxic substances. Several states have guaranteed the right of employees and communities to be informed when exposure to harmful chemicals occurs. With estimates ranging from 60-90% of the cancer rate being attributed to environmental sources, workers should have a chance to be fully aware of the health risks to which they are subject.

Protecting nursing home employees who report abuse. Current state law requires reporting of abuse of patients, but lacks clear protection against dismissal for those employees who comply. I am working with senior citizens groups to address this and other matters with the ongoing problem of quality nursing home care.

November, 1982

LESSON XIX

LOOKING AHEAD — THE LEGISLATURE
Handout #1 Continued

Questions for Discussion

1) Name three major issues Senator Doggett says the 1983 Legislature will face.

2) What does Senator Doggett mean when he says, "Stopping the passage of bad legislation is often equally important as gaining approval for good new laws."?

3) The following statements are from Senator Doggett's article. Put an F by each statement which represents a fact. Put an O by each statement which is an opinion.

(O) __________ The new Governor and other new statewide officials, as well as some turnover in the Legislature, provide hope that 1983 will be a better year.

(F) __________ Current state law requires reporting of abuse of nursing home patients.

(F) __________ A top concern in the gubernatorial (governor's) race was more effective utility regulation.

(O) __________ While most of the issues haven't changed, the prospects for a more productive way of handling them have improved significantly.

(F) __________ I have prefiled a number of bills so that they can receive early consideration in January.

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XIX

LOOKING AHEAD - THE LEGISLATURE
Handout #2
SENATOR DOGGETT'S QUESTIONNAIRE

In the same newsletter in which Senator Lloyd Doggett wrote about issues for the 1983 legislature, he included a questionnaire. He wanted to know what the voters thought. Ask your teacher to explain each item on the questionnaire to you briefly. Then check "yes" or "no", to tell whether or not you think the legislature should take action for or against the issue.

Senator Lloyd Doggett's Newsletter "Legislative Response" November 1982

QUESTIONNAIRE

The following questions present a number of issues on which I may be called to vote in 1983. Though this brief form oversimplifies the bills that could be considered, please indicate how you would vote. If you have more detailed opinions on these or other issues, complete the Comments section on the reverse side or attach a letter. Please return this page to our office and also feel free to forward your comments as the session progresses.

DO YOU SUPPORT LEGISLATION FOR THE PURPOSE OF:	YES	NO
1. Doubling the 5-cent gasoline tax for more highway construction	☐	☐
2. Sentencing all first-time DWI offenders to jail time	☐	☐
3. Increasing student tuition at state colleges and universities	☐	☐
4. Providing a substantial salary increase to teachers	☐	☐
5. Reducing taxes even if it means cutting back on services	☐	☐
6. Raising the drinking age to 21	☐	☐
7. Lowering from 15 to 13 the age at which juveniles can be tried as adult criminals	☐	☐
8. Strengthening laws for environmental protection	☐	☐
9. Creating a dedicated fund for state colleges that do not share with UT and A&M in the Permanent University Fund	☐	☐
10. Making conservation a priority in planning for water resources	☐	☐
11. Committing the state's credit to back local bonds for water projects	☐	☐
12. Placing some of the state's surplus in a "rainy day" fund to meet future spending needs	☐	☐

Lesson XIX

LOOKING AHEAD - THE LEGISLATURE

Handout #2 Continued

Look at your answers to the questionnaire. In the space below explain why you answered yes or no for any three of the issues.

1) Issue ________________________________

Your answer: YES ☐ or NO ☐

Why: ________________________________

2) Issue ________________________________

Your answer: YES ☐ or NO ☐

Why: ________________________________

3) Issue ________________________________

Your answer: YES ☐ or NO ☐

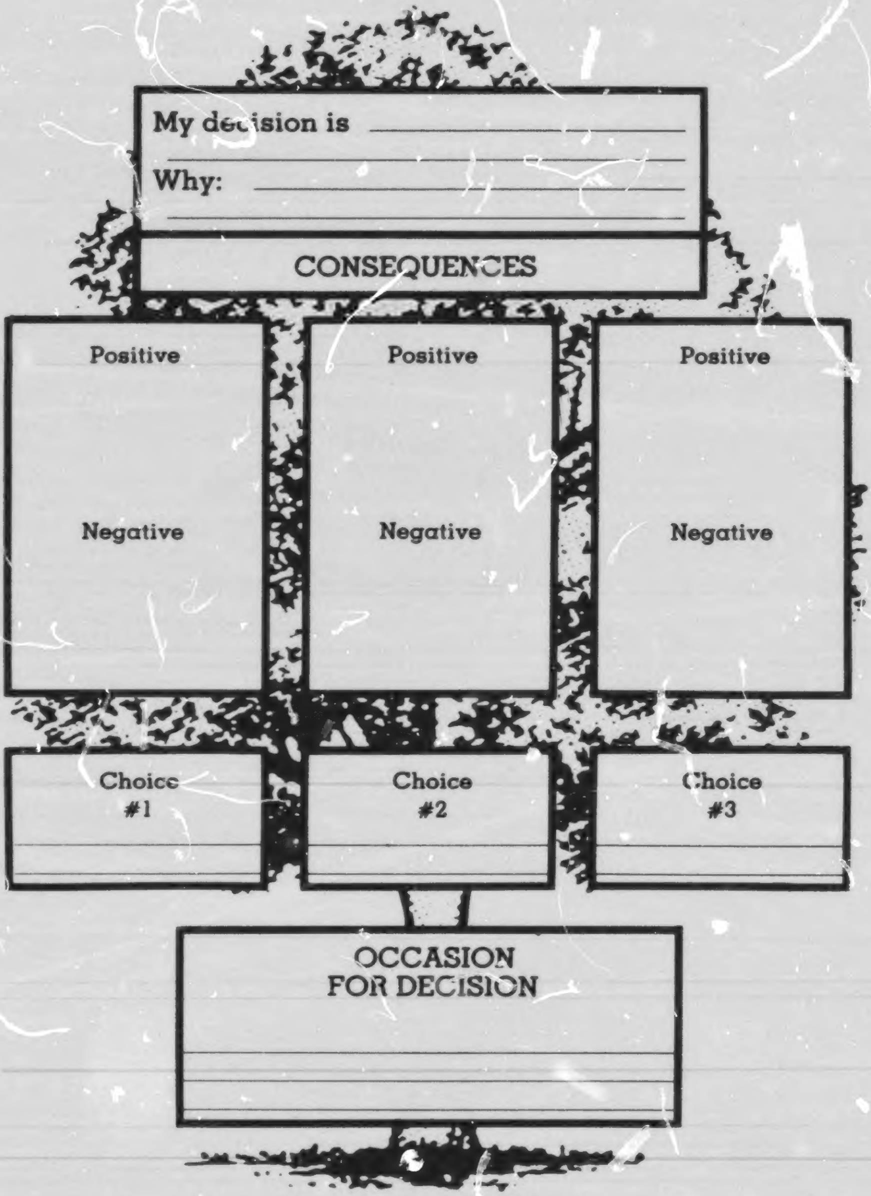
Why: ________________________________

LESSON XIX LOOKING AHEAD - THE LEGISLATURE

Handout #3

DECISION TREE

Name ______________________


My decision is ______
Why: ______
CONSEQUENCES
Positive
Negative
Positive
Negative
Positive
Negative
Choice #1
Choice #2
Choice #3
OCCASION FOR DECISION

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XIX

LOOKING AHEAD - THE LEGISLATURE

Handout #4

Name ____________________________

Following an Issue
in the 1983 Legislature

Issue:

____

____

	Date:	Date:	Date:
WHEN did the action occur? **WHO was involved?**			
WHAT action was taken?			
WHY? What reasons were given for this action?			
WHERE did this happen?			
SOURCE OF INFORMATION? (Newspaper, radio, TV, other publications, personal contact)			

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GOVERNING TEXAS - AN OPPORTUNITY TO PARTICIPATE

LESSON XIX

LOOKING AHEAD – THE LEGISLATURE

FOLLOWING AN ISSUE IN THE 1983 LEGISLATURE

Handout #5

The Sunset process, which continues to provide signficant opportunities for regulatory reform, will be the focus of much activity in the 1983 Legislature. The many favorable comments received since I authorized the original Sunset Act in 1977 confirm my belief that changes secured through the first two review cycles have been beneficial. The process, combining public hearings with staff research and analysis, remains an effective tool for overhauling, repairing and making accountable the machinery of state government.

This year the Sunset Commission focused on a third set of state agencies that will be considered for renewal in the coming session. Among these are several agencies whose operations have a major effect on all of us as consumers: regulators of the oil, gas and transportation industries, the insurance industry, public utilities, and financial institutions.

The review of the Public Utility Commission, for example, offers the chance to take a close look at the process behind rate increases that ultimately pinch us in the pocketbook every time we pay a telephone or electricity bill. Is the public interest being served? Are the decisions fair and equitable? Is it a balanced process?

Last year, electric utilities in Texas enjoyed the highest profits among the United States' 100 largest electric companies. A 1982 report by Merrill Lynch rated Texas at the top of the national chart, in a class by itself, as the state "most favorable" to utility company concerns. Five of the top Texas electric utilities last year offered a rate of return to investors in excess of the amount originally approved by the PUC. Then three of these companies filed again for additional increases in their price of service to customers.

The PUC is responsible for ensuring a balanced approach in which both the industry's concerns and the needs of consumers are taken into account in the decisions involving essential services. Proposals for more effective consumer representation are certain to be among those considered by the Legislature.

Utility regulatory reform has also been the subject of oversight hearings by the Senate Subcommittee on Consumer Affairs, which I chair. Among legislative proposals I am considering are:

* A prohobition against charging customers for the additional processing costs involved in providing refunds or credit to consumers who were previously overcharged; this would apply in the future to cases such as Southwestern Bell's return of that portion of the rate increase it placed into effect earlier this year without PUC approval, and:

* A measure to protect Texas ratepayers from being charged for accident cleanup costs at utility plants that do not provide services to citizens of our state. For example, this would prevent the PUC from allowing a utility's contribution to the Three Mile Island Cleanup fund from being among the costs considered when determining our utility rates.

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LESSON XIX

FOLLOWING AN ISSUE IN THE 1983 LEGISLATURE

Handout #5 (continued)

In the review of the PUC, as well as that of the State Board of Insurance and the Railroad Commission, we will have a chance to address issues that affect the price and quality of services on which we must rely. These include the level of competition in regulated industries, handling of consumer complaints, the nature of changes that agencies have encouraged in the past to benefit Texas taxpayers and ratepayers, and generally how open, fair and responsible each agency's daily operations and decision-making processes have been.

Though my term on the Sunset Commission has ended I will continue working to make Sunset an effective process.

LEGISLATIVE RESPONSE, Senator Lloyd Doggett, November, 1982

Questions for discussion:

1. Why is "overhauling, repairing, and making accountable the machinery of state government" an important process?

2. What are some ways that actions of the Sunset Commission will directly affect your family's budget?

LESSON XX

CHALLENGES FACING TEXAS

Objective:

1) The student will be able to identify some of the long-range future needs of the state.

Materials:

1) Article "Challenges Facing Texas" by former Governor William P. Clements, Jr.

2) Library resources

Lesson Plan:

1) Distribute copies of the article "Challenges Facing Texas" and discuss after students have read it. Compile a list of problems facing Texas. Be sure students understand the words expertise, private sector, new federalism, agenda, criminal justice system, right-to-work laws, bureaucracy, entrepreneur, and work ethic.

2) Divide students into four or five groups. Have each group research a problem confronting the state.

3) Develop a solution to the problem.

4) Report back to the class.

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XX

Handout #1

CHALLENGES FACING TEXAS

BY FORMER GOVERNOR
WILLIAM P. CLEMENTS, JR.

Government does not have all the answers to the challenges facing Texas. State government must draw on the expertise and resources of the private sector, both individuals and organisations, to tackle and solve our problems together. As Governor, I initiated the State Government Effectiveness Program to bring a higher degree of efficiency to state government. Corporate volunteers helped research and implement management improvement in our government and I appreciate their hard work and support.

Many issues studied by my administration will continue to be important to Texas in the remaining years of the 20th century. Three major factors will greatly affect the future of Texas.

First, our population, which is 15 million and growing faster than the population of California. By the year 2000, we may grow by another 50 percent, or seven million more people.

Secondly, our oil and gas production is continuing the decline that started in the 1970's. Oil and gas tax revenues may start declining by 1990.

Third, under the new federalism, Texas may be expected to shoulder more responsibility for governmental programs.

These three factors will affect our ability to address other important issues dominating the agenda of state government for the remainder of this century. These issues include:

Public education. During these last four years, we passed the most significant education legislation since the Gilmer-Aikin laws of the 1940's. Funding for our public schools was substantially increased, but there must be continued hard work to improve the teaching-learning environment in our Texas schools.

Law Enforcement. We passed the toughest package of anti-crime/anti-drug laws since World War II. However we must carefully study and reassess our entire criminal justice system, especially our prison system, to achieve lasting solutions to the crime problem.

Water problems must be solved if we are to maintain our quality of life. The Texas Department of Water Resources is preparing a water plan to submit to the legislature and ultimately to the voters of Texas.

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LESSON XX

Handout #1 (continued)

CHALLENGES FACING TEXAS

BY FORMER GOVERNOR
WILLIAM P. CLEMENTS, JR. (continued)

We must continue to protect and enhance our Texas business climate containing low taxes, strong right-to-work laws, and lean and efficient state government. Thirty states have recently been forced to raise taxes. We've reduced the state bureaucracy for the first time since World War II, and we ended our last fiscal year with a state surplus of 1.3 billion dollars.

The Texas 2000 Commission started long-range planning on the issues I've discussed and others including agriculture, transportation, relations with Mexico, government finance, and research and development. The agenda of Texas 2000 was expanded this year to include education, housing, health, human services and recreation.

Texans must continue to work hard and move forward to ensure our traditional and historic quality of life for future generations. I am optimistic about our future because Texans have the spirit of the entrepreneur; we have a strong work ethic; we thrive on opportunity; and we have a strong spirit of independence. They are part of our Texas way of life and we must pass this legacy on to our children and our grandchildren.

LESSON XXI

LEGISLATIVE REFORMS

I. OBJECTIVE: Students will become familiar with recommendations for legislative reform.

Students may be asked to follow the newspaper and other media and bring in reports on any reform measures addressed by the current legislature. Example: Following the redistricting process by the 67th legislature would provide material for a research project or paper on redistricting.

II. MATERIALS NEEDED:

1. Handout #1 on Legislative Reforms.

III. LESSON PLAN:

1. Distribute Handout #1 to students and discuss.
2. Request that students bring in articles on legislative reforms that are being addressed by the current legislature. This may be extended to include other articles on these issues. The teacher may wish to have a bulletin board displaying these materials.

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XXI

LEGISLATIVE REFORMS

Handout #1

Since the 1960's there has been increasing interest in improving state legislatures in the United States. In 1971, a national citizens' group called the Citizens Conference on State Legislatures (now called Legis/50) published an important study of state legislatures.[1] This group is a private, nonpartisan, nonprofit group and its study created a lot of interest. Each state legislature was ranked according to five criteria: functional, accountable, informed, independent and representative. (The first letter of each criterion spells FAIIR)

Texas ranked forty-fifth on functional, thirty-sixth on accountable, forty-third on informed, forty-fifth on independent and seventeenth on representative. The scores on all five standards were combined, and in an overall ranking Texas placed thirty-eighth; California was first and Alabama last.

However, there have been a number of improvements in Texas government since the study was published, and Texas would probably rank higher today. A major scandal in the Texas legislature (the Sharpstown bank and insurance scandals) caused the people to vote out-of-office a number of high officials in 1972. After that the 1973 legislature enacted a package of reform measures covering ethics, lobby regulation, open meetings, election campaign financing, financial disclosure, access to public information, improper influence in the campaign for speaker, and corruption and abuse of office.

Despite all these changes there are still a number of suggestions for making the Texas legislature more efficient and effective. One of the most important concerns is that the constitution limits the legislature to one regular session of 140 days every other year. Most state legislatures meet annually; only twelve, including Texas, don't.[2] While there can be emergency special sessions of the legislature they must be called by the governor.

Another issue is that the modest salary paid to legislators means they need to have other jobs for financial support. Therefore, they can't give full time to public issues and the demands of governing the third largest state.

There are also recommendations to change some of the procedures in the legislature, especially the two-thirds rule in the Senate (see the article by Senator Lloyd Doggett, Lesson XVI) and the regulations and procedures which result in a big, last-minute rush to get bills passed before the session ends. Other suggestions have been made to restrict the power of the two presiding officers; for example, to limit the term of the speaker of the house, and to reduce the lieutenant governor's legislative powers.

In 1975 the voters in Texas rejected a major effort to change the constitution and state government, (See Lesson VII). As Texas continues to grow and develop, and as today's students of Texas government reach voting age, there may be other proposals and other elections with different results. Many observers think state government will continue to become more important with increasing influence over the lives of its citizens who in turn will take a greater interest in helping it improve.

[1] *Available in "The Sometime Governments", Bantam Books, Inc., 1971.*

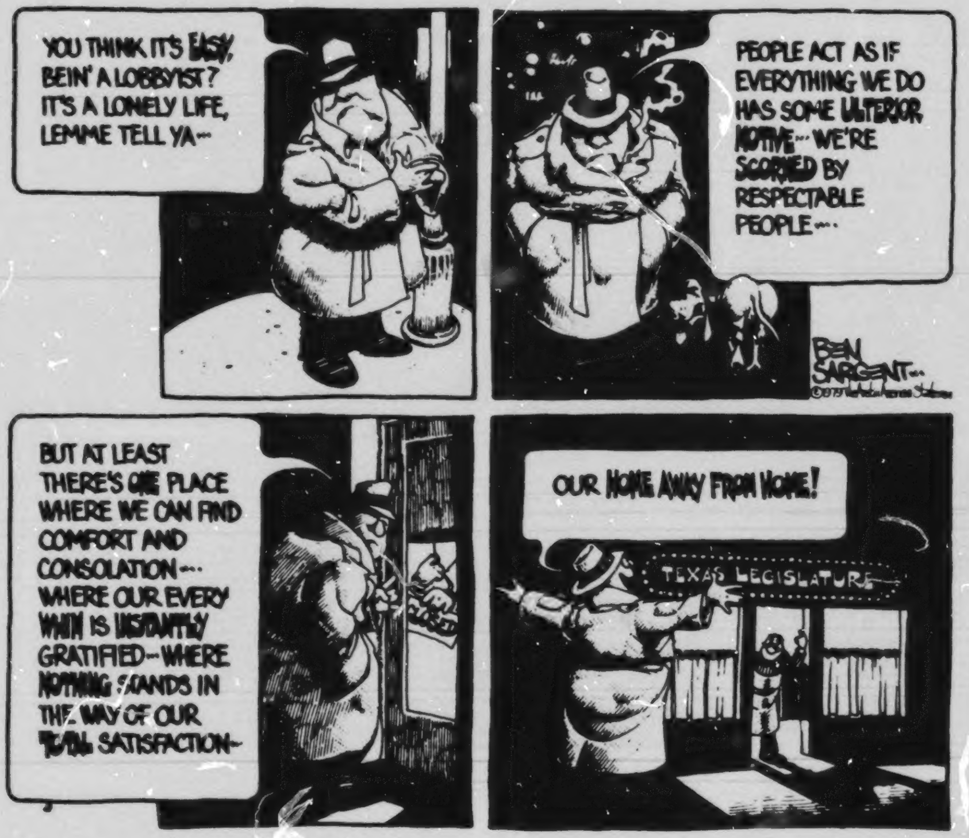
[2] *The Book of the States, 1980-1981, Volume 23, The Council of State Governments, Lexington, Kentucky*

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XXII

CARTOONS ON SPECIAL INTEREST GROUPS

*Note: Lesson plans and suggestions included in Lesson XII on Cartoon Interpretation


YOU THINK IT'S EASY, BEIN' A LOBBYIST? IT'S A LONELY LIFE, LEMME TELL YA--
PEOPLE ACT AS IF EVERYTHING WE DO HAS SOME ULTERIOR MOTIVE-- WE'RE SCORNED BY RESPECTABLE PEOPLE---
BEN SARGENT...
BUT AT LEAST THERE'S ONE PLACE WHERE WE CAN FIND COMFORT AND CONSOLATION--- WHERE OUR EVERY WHIM IS INSTANTLY GRATIFIED-- WHERE NOTHING STANDS IN THE WAY OF OUR TOTAL SATISFACTION--
OUR HOME AWAY FROM HOME!
TEXAS LEGISLATURE

a) Who is the central figure in the cartoon?

b) What feature of their lives are played upon in the cartoon?

c) Why is the central figure important in Texas politics?

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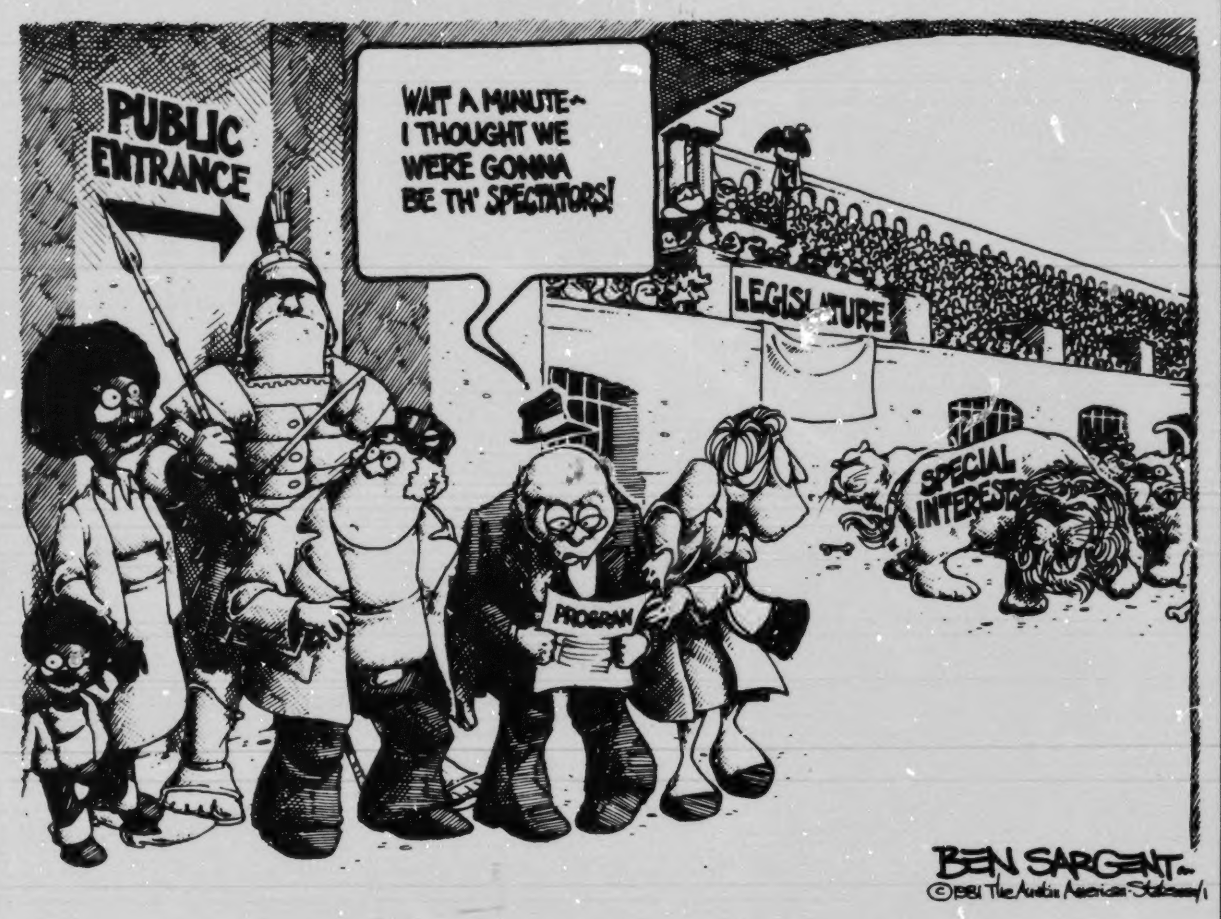
LESSON XXII

CARTOONS ON SPECIAL INTEREST GROUPS


PUBLIC ENTRANCE
WAIT A MINUTE— I THOUGHT WE WERE GONNA BE TH' SPECTATORS!
LEGISLATURE
SPECIAL INTERESTS
PROGRAM
BEN SARGENT
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a. Who do the people in the foreground represent?

b. What is the main idea the cartoonist is trying to express?

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XXIII

SPECIAL INTEREST GROUPS

I. OBJECTIVES

1) The student will be able to define "interest group".

2) Using the newspaper, the student will be able to select articles about different interest groups.

3) Students will recognize that citizens, through political activities, can influence decisions made by the government.

II. Materials Needed

1) Transparency (Definition of "Interest Group")

2) Butcher paper

3) Markers

4) Masking tape

5) Newspapers

III. Lesson Plan

1) Introduce this activity by discussing a definition of interest group OR by showing a transparency with a definition of interest group and discussing it. Give special attention to the underlined words.

> *A group of people who are concerned about a specific law and how it affects them.
>
> *There does not have to be a formal organization.

2) Have students BRAINSTORM some topics they are concerned about in school.

3) Discuss which students in their school would have a special interest in the topics listed in #2. Are there any interest groups in your school?

4) Have students BRAINSTORM issues which concern the community in which they live. Divide the class into groups; give each group a piece of butcher paper and a marker. When the brainstorm period is over (10 minutes) each group should be allowed to present their list to the class.

5) Using the lists created in #4, tell why or why not each of the following would be an interest group. (The following are only suggestions; please create your own list to meet the needs of the students.)

—Democrats or Republicans
—Baptists
—Labor Unions
—Consumers
—Automobile manufacturers
—Motorcycle riders
—Women

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LESSON XXIII

SPECIAL INTEREST GROUPS
Continued

6) Have student name interest groups that they or their parents belong to.

7) Have students collect newspaper articles reporting on situations where an individual or a group has influenced government policy.

8) Have students role-play as follows:

   a. Set the stage by telling students that the principal is considering making a rule (law) that states that gum chewing will not be allowed on the school campus at any time or place (may change situation to fit needs of the local school).

   b. Ask students to think of all the people both in the school and in the community who might have an interest in whether this rule is passed. Be sure that both sides of the issue are represented (Sample answers include teachers, parents, students, custodians, school nurse, gum salesman, dentist.)

   c. Divide the class into as many groups as were suggested as interest groups above. Assign each group the task of presenting arguments that might be made by the person it represents. Each group should also select a spokesperson to present its argument to the principal. Limit each argument to 2-3 minutes.

   d. Set up chairs for the principal's office. The role of principal can be played by the principal, the teacher, or a student. If a student is used, he/she should not be assigned to a planning group.

   e. Each spokesperson should come to the "office," greet the principal, and present his/her group's position. The principal may ask questions within the time limit.

   f. Conclude by asking students to explain the role of the special interest groups in this simulation and to comment on the advantages and disadvantages of this process.

   g. Relate the experience to pressure groups in politics by using other resources such as books, films, or filmstrips. A visit by your representative to discuss his view of lobbies would also be an appropriate conclusion to the activity.

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LESSON XXIV

LOBBYING

I. OBJECTIVES

1) The student will be able to name three things lobbyists do.

2) The student will be able to understand the impact lobbyists have on the public.

3) The student will understand how consumer groups work and how individuals can become involved.

4) Students will form temporary pressure groups and write appropriate letters.

5) Students will create their own cartoons.

II. MATERIALS NEEDED

1. Transparency with opening statement.
2. Handout #1 by State Senator Lloyd Doggett.
3. Handout #2 by Gene Fondren, Executive Vice-President and General Counsel, Texas Automobile Dealers Association.
4. Handout #3 by Rebecca Lightsey, Texas Consumer Association.
5. Crossword puzzle based on Handout #3

III. LESSON PLAN

1) Hand out or make a transparency of the opening statement. Discuss the statement and define the underlined words.

OPENING STATEMENT

Groups who have a great interest in a particular issue and either want a particular law passed or defeated can spend large sums of money trying to persuade Texas senators and representatives to vote for or against it. This is called lobbying. Lobbying is a way to influence the government or influence decision makers.

A lobbyist is the person who tries to influence Senators and Representatives to vote for their ideas.

2) Distribute and have the student read "Power of Lobby and PAC's" by Lloyd Doggett.

Read and emphasize through class discussions:

- In Texas, the most powerful lobbies are: realtors, new car dealers, highway construction, physicians, land developers, gas and oil industry.
- Large sums of money are spent to elect officials sympathetic to their cause.
- Candidates for public office who raise and spend the most money on their campaign usually win. What is the connection between lobbyists spending money and the candidate winning?
- What is PAC? Why is it important to the lobbyists? (Political Action Committee)
- What can the "average" citizen do to offset the influence of the rich and powerful lobbyists in our state? (Join citizen organizations such as Common Cause, League of Women Voters, Consumers' Union, and the Texas Consumer Association.)

LESSON XXIV

LOBBYING
Continued

3) Students will read and discuss the article by a lobbyist representing the business point of view, Gene Fondren. What is the main idea presented by the author? Contrast and compare this article with those by Senator Lloyd Doggett and Rebecca Lightsey of the Texas Consumer Agency (which follows).

4) Read and discuss "Lobbying" by the Texas Consumer Association. Have students do the crossword puzzle using vocabulary ideas from that article.

5) Have students form temporary pressure groups using the following method:

   a. Brainstorm — List about 10 current issues on which students would be willing to take a stand.

   b. Ask the students what they know about each topic and where they obtained their information.

   c. For each issue, discuss what other sources of information are available on the topic (introduce the concept of evaluating sources of information).

   d. Ask each student to pick one topic from the board list in which they are interested.

   e. Research the topic.

   f. Feedback to class — research found.

   g. Discuss to whom letters should be sent on each topic in order to have an impact. Have students write letters. Collect the letters and mail them.

   h. Students will now have had first-hand experience in forming a temporary pressure group.

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XXIV

LOBBYING
Handout #1
"POWER OF LOBBY AND PACs"
BY STATE SENATOR LLOYD DOGGETT

An increasingly powerful source of influence on legislators is the lobby and Political Action Committees (PAC's). Lobbyists are people hired by a variety of groups to represent their interests in the Legislature. In Texas, the largest and most powerful lobbies generally represent groups such as realtors, new car dealers, highway construction contractors, physicians, land developers and the oil and gas industry. These lobbies usually have PAC's that raise money for use in campaigns to elect candidates who support their goals, and to defeat those who are in opposition. As the cost of running for public office increases, lobby influence through PAC's seems to be increasing.

The role of lobby groups is perhaps the least understood part of the legislative process. Lobbyists are not persons who go around handing out bribes and meeting secretly with legislators. Rather, they usually are effective individuals whose power comes from the size of campaign contributions, the strength of their grass root organizations or their associations and their control over information. Lobbyists prepare many of the bills introduced, and offer much of the public and private testimony on these measures. They are usually present each day of the legislative session, and often hold formal and informal receptions to develop friendly relationships with legislators. Many groups such as small business owners, neighborhood organizations and citizens concerned with clean water or the size of utility bills, do not have full time lobbyists to counter these special interest groups. They must rely on a few legislators who will continually question those with major influence concerning the desirability for the general public of the various positions that these lobbyists take.

A candidate running for state representative currently may well spend $50,000 on a campaign, and one running for state senator may spend as much as $500,000. Unfortunately, many political studies indicate that the candidate who raises the most money is the one most likely to win. Lobbyists and their PAC's know this, and they contribute heavily in campaigns with the hope that once their candidates are elected they will provide favorable votes for the lobby positions on numerous issues.

The concern about the influence of special interest groups and political action committees is that they threaten to distort our representative, democratic system. Ours is a government in which each person is entitled to have his or her views represented. Powerful special interests, however, are able to exert a disproportionate degree of influence through their campaign contributions to political candidates. Each legislative session, senators and representatives have to vote on bills that some special interest group has proposed to benefit itself and that frequently hurts the overall best interests of the rest of the citizens.

The name adopted by the PAC may often be delicately misleading. The "Free Enterprise" PAC, for example, may be a good sounding name for a group that wants to pollute Texas rivers. There aren't any limits on the size of contributions PAC's can make to a candidate.

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LOBBYING

Handout #1 (continued)

"POWER OF LOBBY AND PACS"

BY STATE SENATOR LLOYD DOGGETT

Citizen groups that come to the Capitol to oppose a bill to grant some special privilege (perhaps a new tax loophole, or a bill to protect against damages being awarded in a lawsuit) to a group represented by a PAC and a lobbyist are at a great disadvantage. The PAC lobbyist group works full-time and has already cultivated friends at the Capitol Political contributions make it easier to convince the legislators that the citizen group is unreasonable or uninformed.

Still, the only way to reassert the right of public interests over special interests is to expand the efforts of citizen groups. That can be done by concerned citizens joining orgainzations such as Common Cause, the League of Women Voters, Consumer's Union and the Texas Consumer Association, to name a few. In addition, they can contribute time or money on behalf of candidates willing to represent the publc inteest, and they can stay involved in letting those public officials who are elected know their concerns and opinions.

It is obvious that PAC's and special interest groups are playing an increasing role in our political process. These special interests, through campaign contributions and lobbying activities, are squeezing out the public interest and the loser is the average citizen. Only when citizens awaken to this threat will there be any real chance for reforms to limit the power and influence of these special interest groups.

LESSON XXIV

Handout #2

THE LOBBYIST IN PERSPECTIVE

BY GENE N. FONDREN
EXECUTIVE VICE PRESIDENT AND GENERAL COUNSEL
TEXAS AUTOMOBILE DEALERS ASSOCIATION

Much has been written and said about this thing called "lobbying" and those who are involved in it. Opinions vary as to the proper role of the lobbyist, as well as the tactics employed by lobbyists, but one thing is clear: in a society as complex as ours, there is no way a legislative body could function intelligently without obtaining information from all segments of the society. Lobbyists represent these segments and provide pertinent information.

The practice of lobbying is as old as government itself. Why? Because the people who are governed always have an interest in the government as it affects each of them. Be the government a democracy, a monarchy, or a dictatorship, the people have always attempted to influence its direction. What function was Moses performing when he attempted to influence the Pharaoh to look with favor on his people? What about Christopher Columbus when he prevailed upon the government of Spain to finance his voyage to the new world? Lobbying has always been an important part of government.

Today there is a tendency by many political writers to depict lobbyists as representing something called "special interests" which is somehow opposed to something called the "public interest". This, of course, makes for interesting reading, but in fact is very misleading.

What is this "public interest"? It is nothing more than the sum of all the "private" or "special" interests that comprise our society. If one imagines the student body at a junior or senior high school as "the public", then each student in that student body is a member of the "public" and his concern with the decisions made by the school administration are "public interest" concerns. But what if a group of those students became particularly interested, for example, in the state government of Texas and formed a club for the purpose of studying that subject in detail. These students have become a "special interest", even though each is still a member of the "public".

Suppose the club members, because they are so interested in the subject of state government, discover an aspect of state government that is not being covered in the regular course of study. The club members give their teacher the benefit of the special knowledge they have acquired and point out to the teacher the reasons that the knowledge should be included in the state government course made available to all the students. If the teacher is persuaded, he will include the information in the general course. Thus, by learning about the matters that the teacher simply did not have the time to research, and by communicating those matters to the teacher, the club members, the "special interest", made an important contribution to the school, the "public".

Lobbying works much the same way. The members of the legislature simply do not have the time to study every legislative proposal or to know the impact, or potential impact, of each of several thousand pieces of legislation. They often must rely on those who have the

Handout #2 (continued)
THE LOBBYIST IN PERSPECTIVE

special knowledge in a considered particular area. If a legislator thinks that an idea proposed by one "special interest" group will provide an overall public benefit, then he or she will vote for that proposal. Or if convinced that a "special interest" needs and deserves assistance or relief from government, a legislator will vote for that assistance or relief. Otherwise he or she will not.

There are many lobbyists who perform this valuable information and research function. There are education lobbyists, business lobbyists, consumer lobbyists, union lobbyists, environmental lobbyists, plaintiff lawyer lobbyists, defense lawyer lobbyists, gun control lobbyists, anti-gun control lobbyists, pro-abortion lobbyists and anti-abortion lobbyists . . . lobbyists on every side of practically every conceivable issue. Having too many lobbyists is far better than too few. The more points of view represented, the better the legislature is able to evaluate and determine what is in the "public" interest.

Contrary to popular notion, the present day lobbyist does not rely on "hail fellow, well met" back-slapping, and socializing as his stock in trade. Instead he puts primary emphasis on being well informed, candid, and reasonable.

He is an advocate for the group he represents — he speaks to the members of the legislature and to the public on their behalf. He also communicates the public's interests to the group he represents. Ultimately, the successful lobbyist must seek a proper balance, between the needs of the special interest and the public interest. This is lobbying with the proper perspective.

LESSON XXIV

Handout #3

HOW YOU CAN INFLUENCE GOVERNMENT

BY REBECCA LIGHTSEY, DIRECTOR
TEXAS CONSUMER ASSOCIATION

Ever hear about all the laws that get passed? Do you sometimes wonder how some of them were ever thought up? Legislators in Texas only meet for a few months every couple of years, but from the looks of all the bills they try to get passed, they must spend every spare minute writing up laws — or do they?

Where do all those bills come from? How do legislators decide what they vote for and what they vote against? How do they choose which issues to push for and which to push against? Each legislator has some things he or she is very interested in, but for the rest of bills, they have lots of offers for help — from lobbyists.

Lobbyists are men and women who are paid to try to influence legislators — either to get bills passed which their employers want, or to stop bills their employers don't want. They present their side of the issues to the representatives (and sometimes try to downplay the other side of the issues). The lobbyists' job is to see that what their employers want end up as law.

How do lobbyists go about trying to get what they want passed? They have to convince legislators to vote for (or against) particular bills. They do this in several ways at the Capitol — by personally talking to legislators and explaining the issue, by testifying before committees that consider the bills, and by asking legislators to commit themselves to vote a certain way.

They also try to persuade legislators in other ways — that don't take place at the Capitol and that sometimes aren't so obvious. They hold big receptions and parties for all the legislators, they invite the politicians to lunch and dinner, they buy them gifts. But, even before the legislators are elected, the employers of the lobbyists are trying to influence them — with money, of course. They contribute funds to the campaigns of people they want to win, people they think will vote the way they want them to when bills the employers are interested in are considered during the session. When it has contributed money to get a politician elected, a business figures that it will be much easier to persuade that politician to vote the way it wants, so the lobbyists' jobs will be a lot easier.

Where do all the lobbyists come from? Anyone who wants laws passed, or wants to prevent laws from passing, can hire a lobbyist. But it takes money to pay lobbyists. It also costs money to contribute to politicians' campaigns, to take them to dinner and buy them gifts. That means that big corporations with lots of money can hire several lobbyists and can contribute to lots of campaigns. So can other groups with lots of money, like trade associations. Trade associations are organizations of business people in a particular business; some of the big ones are associations of bankers, real estate brokers, doctors and auto dealers. Since together these business people have money, they use it to get laws which they want, which will help their businesses.

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XXIV

Handout #3 Continued

LOBBYING

HOW YOU CAN INFLUENCE GOVERNMENT

BY REBECCA LIGHTSEY

What happens when the legislature meets is that each lobbyist tries to get what is best for his or her employer, not what is best for everyone. Each one tries to get the biggest "slice of the pie", through favorable tax laws, special laws that allow them to earn more money or that protect them from paying for mistakes. Each big business and trade association is trying to get as much as they can; they try to talk each legislator into voting for what they want.

But what about everybody else? All the businesses are over at the Capitol telling the legislators their side of the story through their lobbyists, but who is telling the legislators how all these special bills are going to affect ordinary people? Where do the legislators get their information about whether certain bills will be good for their constituents or not?

There are a couple of ways the politicians get this information. One is through public-interest organizations, such as the Texas Consumer Association, Common Cause and the Sierra Club. Members of these groups contribute their time and money to their organizations so that they can have someone lobby on some of the special bills big businesses want. The public-interest groups show politicians the "other side of the coin" on some legislation, show them how it will help or hurt average Texans. Since these groups won't gain any business advantage from a particular law (unlike business lobbies), they work just to see that legislators know how a bill will really affect people.

But public-interest groups have a serious problem. Lobbying costs lots of money and public-interest groups don't have lots of money like businesses and trade associations. They can't hire several lobbyists or contribute lots of money to campaigns. This means it is much harder for them than for businesses. But these groups have something businesses don't have — they have lots of ordinary people who agree with them, because that's who they are working to help. And they can influence politicians, not with money, but by having average people tell the legislators how they feel about things, because another way (and possibly the most important way) politicians get information is directly from the people they represent.

Lobbyists aren't the only ones who can tell legislators what they want, and they shouldn't be the only ones legislators hear from. Every single person in Texas has the right to tell a legislator how he or she feels about a particular bill. Each one has the right to ask a representative how he or she is going to vote and why. All too often the only people representatives hear from, the only ones they know are concerned about certain issues, are lobbyists. They do not hear from anyone besides the business who will actually be affected by a new law. But they need to hear from their constituents — they need to hear from average people.

The legislature begins to meet in January. They will be looking at lots of issues that could have a big effect on you, they will be looking at things that you know about — let them know what you think. Write a letter, call them up. They are elected to represent Texans. Let them hear from **you.**

LESSON XXIV

LOBBYING

Handout #3 continued

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LESSON XXIV

LOBBYING

Handout #3 Continued

DOWN

1. Men and women who are paid to try to influence legislators.
4. A lobbyist ______________ before committees.
5. Lobbyists hold ____________ for legislators to try to convince them to vote for or against a bill.
7. Lobbyists give __ to campaigns.
8. __________ can hire a lobbyist.
10. Big lobbyists in Texas
12. Abbreviation for month when the legislative session begins.
13. To influence your legislators you might ____ them or invite them.
14. Person a legislator represents.
15. An example of a public interest organization is the _____ Club.
17. The lobbyist's _______ is to see that what his or her employer wants becomes law.

ACROSS

2. Lobbyists want to see their interest become ______________.
3. Lobbyists try to convince ________ to vote for or against a particular bill.
6. Lobbyists try to influence legislators with ______________.
9. A big _____ with lots of money can hire several lobbyists.
11. Legislators know what their constituents want through public-_______________ organization.
13. Two
16. A lobbyist may _______ in on a committee hearing to protect their interests.
18. _______ association: an association of business people in a particular business.

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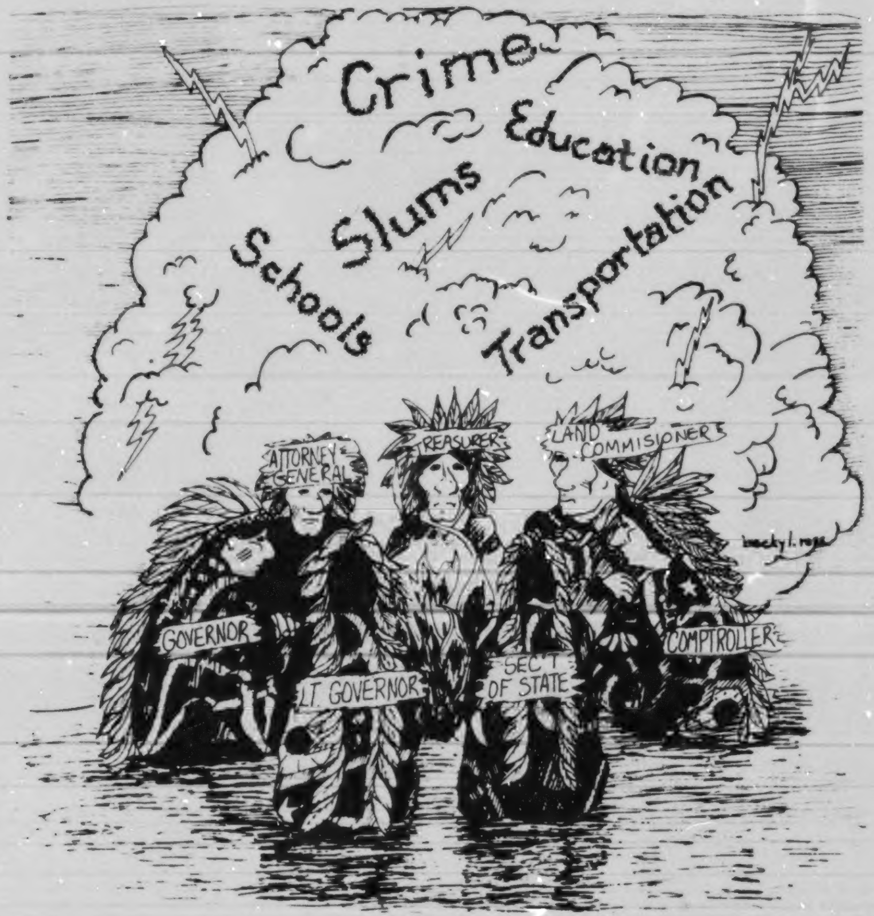
GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XXV

CARTOON ON THE EXECUTIVE


Crime
Education
Slums
Schools
Transportation
ATTORNEY GENERAL
TREASURER
LAND COMMISIONER
GOVERNOR
LT. GOVERNOR
SEC'T OF STATE
COMPTROLLER
becky l. rose

I wonder if there are too many chiefs?

from Fundamentals of Texas Government p. 62
by E. Larry Dickens and Pamela S. Bertone,
Sterling Swift Publishing Co., Manchaca, 1976

a. Have you heard the expression "There are too many chiefs and not enough Indians"? Give an example of a situation you have been in when there were "too many chiefs".

b. What are the problems the "chiefs" in the cartoon must face?

c. What does the cartoonist suggest should be done to improve the situation?

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LESSON XXVI

WHAT IS THE EXECUTIVE BRANCH?

I. OBJECTIVE

Students will get a general overview of what makes up the executive branch of the Texas state government.

II. MATERIALS NEEDED

Handout "What is the Executive Branch?"

III. LESSON PLAN

Have students read this brief summary of the executive branch and be sure all vocabulary is understood.

(Teacher's Note:
Teachers may wish to collect a file of articles relating to the activities of the officers of the executive branch to use in giving examples of these officers at work.)

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XXVI

WHAT IS THE EXECUTIVE BRANCH?

Handout #1

The legislature makes laws and the judiciary interprets them. But the executive branch of government carries out the laws and policies of the state of Texas.

The governor is the most commonly recognized official in the executive branch but he is only one of a group of executives. In our state we have what is called a "plural executive," which means that many officers carry out the work of Texas government.

Although the Texas Constitution and state law have made the office of the governor relatively weak when compared to other states, the person in that office can bargain with and persuade others to get what he wants.

The Texas Constitution created an executive with the following officers elected by the voters except the Secretary of State. (See the accompanying chart and the cartoon at the beginning of this section.)

1) The Governor — the state's leader, Texas' "First Citizen".
2) The Lieutenant Governor — serves in the absence of the governor and is President of the Texas Senate.
3) The Secretary of State — in charge of the state's election laws.
4) The Comptroller — responsible for tax collection and accounting.
5) The Treasurer — in charge of state funds.
6) The Commissioner of the Land Office — in charge of the millions of acres of state lands.
7) The Attorney General — the state's lawyer.
8) Commissioner of Agriculture — enforces laws relating to agriculture in Texas.
9) Board of Education — oversees the Texas public school system.
10) Railroad Commission — regulates transportation companies in Texas, and, more importantly, the oil and gas industry in the state.

The Texas executive branch has grown greatly from the original list of officers in the Texas Constitution. Many boards, agencies and departments have been created to carry out the work of state government; all of these organizations together are called "the administration." The Texas Department of Public Safety and the Department of Mental Health and Mental Retardation, (which are discussed later in this booklet) are two of these.

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XXVI

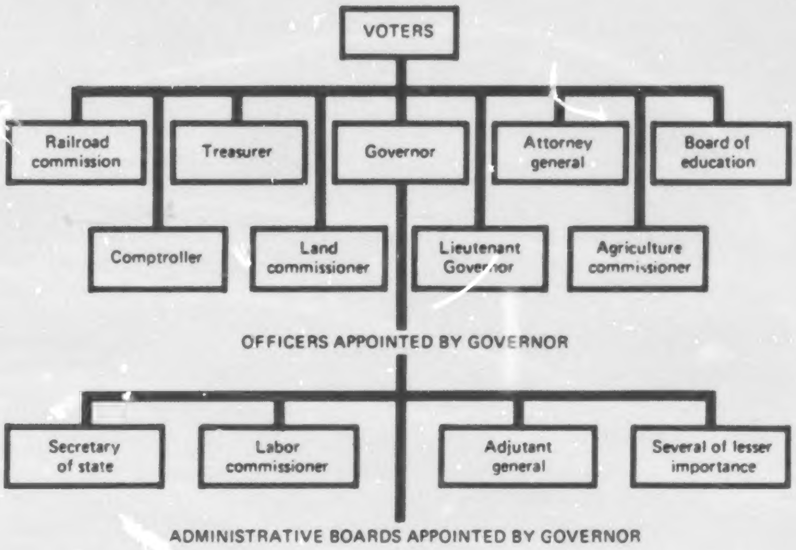
WHAT IS THE EXECUTIVE BRANCH?

Handout #1 Continued

The Sunset law passed in 1977 provides for an Advisory Commission (eight legislators) to review 178 state agencies over a 12-year period. At each legislative session, recommendations are made on 29 different agencies. The commission submits bills recommending whether the agencies studied should be continued, reorganized or abolished. In the 1979 session nine (mostly minor) agencies were abolished and four more were merged into two.

This legislation has given the legislature more control over the administration. Since the governor can veto bills regarding an agency's fate it has also increased the governor's administrative power.

THE TEXAS ADMINISTRATION[1]


VOTERS
Railroad commission
Treasurer
Governor
Attorney general
Board of education
Comptroller
Land commissioner
Lieutenant Governor
Agriculture commissioner
OFFICERS APPOINTED BY GOVERNOR
Secretary of state
Labor commissioner
Adjutant general
Several of lesser importance
ADMINISTRATIVE BOARDS APPOINTED BY GOVERNOR

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[1] *"Texas Government" p 201, May, MacCorkle & Smith, McGraw-Hill Book Co., New York, 1980*

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XXVII

GOVERNOR OF TEXAS — A SPECIAL CHALLENGE

I. Objectives

1) Students will identify the qualifications for the office of governor and the "Tools of Persuasion" the governor may be able to use (see Handout #1).

2) Students will be aware that the governor has tasks which are executive, legislative and judicial.

3) Students will identify aspects of Governor Mark White's program and priorities.

4) Students will make a collage illustrating the duties and powers of the governor of Texas.

5) Students will write a limerick about a current or historical figure.

II. Materials Needed

1) Handouts #1,2,3 and 4.

2) Newspapers, scissors, glue, posterboard

III. Lesson Plan

1) Distribute and read handouts 1 & 2; have students complete questions at the end of the section and discuss them.

2) As a class activity use the collage strategy, asking groups of students to make a collage on the role of the governor of Texas. A collage is a visual representation of an idea. You will need to provide pictures, words, and letters available in magazines, newspapers, etc., as well as paste, scissors, and poster board. When the collages are completed, let each group show its work, but do not let the group showing the collage talk about its work. Ask for responses from the rest of the class about the feelings they get from the collage, recording these responses on the blackboard. Then ask the group who made the collage if these comments agree with what they intended and if they wish to make additional comments.

3) Have students clip articles from the newspaper which mention an activity performed by the governor of Texas. Using the Tools of Persuasion listed in Handout #1, Information Sheet: The Governor or Texas, ask students to determine which tools were used by the governor in performing the activity. (Teacher's note: teachers may wish to collect articles over a period of several months and place them on a bulletin board for this activity instead of having students locate them.)

4) Distribute copies of Handout #3 or read aloud the limericks written by Clements and White. Ask students to write a limerick about a current public figure, a school personality (teacher, principal, etc.), or a historical personality, using Handout #4 on past governors.

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XXVII

Handout #1:
INFORMATION SHEET:
THE GOVERNOR OF TEXAS

Qualifications for office:

1. Minimum of thirty years of age
2. American citizenship
3. Five years residence in Texas, before election [2]

Election and term of office:

1. Elected for a four-year term.
2. No limit to number of terms.
3. When Governor cannot serve, Lt. Governor serves.

Salary:

1. $71,400 yearly
2. Governor's Mansion for residence
3. Other fringe benefits including an expense account, and the use of an official limousine and airplane.

Tools of Persuasion:[3]

1. A strong personality and determination
2. Political experience
3. Prestige
4. A knack for public relations
5. Good relations with the press
6. Supporters with political and economic strength
7. A favorable political climate
8. Simple good luck

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[2] *It is interesting to note that the governor does not have to be a qualified voter; "Texas has had one Governor, W. Lee O'Daniel, who, through failure to pay the poll tax, was not a voter at the time of his first election" ("Texas Government", May, MacCorkle, Smith, pp. 176, McGraw-Hill Book Co., New York, 1980.*

[3] *Adapted from "Politics in Texas", Kraemer, Krain and Maxwell, pp. 91, West Publishing Co., St. Paul, 1975.*

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LESSON XXVII

Handout #1 Continued
MAJOR DUTIES AND POWERS OF THE GOVERNOR OF TEXAS[4]

EXECUTIVE:

1. Law Enforcement — The governor is charged with the responsibility of seeing that the laws of the state are faithfully executed.

2. Military — The governor is Commander-In-Chief of the military forces of Texas (National Guard).

3. Appointments — He appoints members to numerous boards with the advice and consent of two-thirds of the Senate, also Secretary of the State, Adjutant General, and Labor Commissioner. Director of the Department of Community Affairs, Director of the Office of State-Federal Relations, and members of his own staff.

4. Planning — He was named chief planning officer by statute in 1967. This gives the governor power in the areas of administration of laws, coordination of agencies and influencing regional planning organizations.

5. Interstate and State-Federal Relations — He conducts business of the state with other states and the United States.

6. By using informal as well as formal powers the governor can be a strong influence in state government.

7. Ex-officio and Miscellaneous — The governor is a member of several boards and commissions.

LEGISLATIVE:

1. Messages — The governor may give messages to the legislature at any time, either in person or in writing. He is required by the Constitution to give an opening message to the legislature.

2. Veto — He approves or vetoes every bill sent from the legislature.

3. Financial — By statute, the governor is the chief budget officer of the state, but his budget powers are limited.

4. Special Sessions — The governor may call the legislature into special sessions at any time for any reason, but he must state the purpose in his proclamation.

JUDICIAL:

The governor may grant reprieves, commutations of punishment, and pardons, approve paroles, and remit fines and forfeitures.

ORGANIZATION

The governor has a staff of assistants and clerical personnel.

[4] *Adapted from Texas Government, Austin Independent School District, pp. 55, Austin, 1980.*

LESSON XXVII

Handout #1 Continued

QUESTIONS AND ANSWERS

1. Read the "Qualifications for Office", and the list of "Tools of Persuasion" which a successful governor should use. Write a paragraph to answer this question:

   "What kind of person would make a successful governor for Texas?"

2. Read the section entitled, "Duties and Powers of the Governor of Texas." You will see that the governor is involved in three kinds of work: executive, legislative and judicial. Review the definitions of these terms. Give an example of each of these three kinds of work.

3. Do you think it is a good idea to require the governor to be thirty years old? Explain.

4. If you were governor, which part of the job would interest you most? Least?

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XXVII

Handout #2
THE GOVERNOR OF TEXAS
BY MARK WHITE

The genius of democracy is the power of the people to confer authority on an individual to govern. Various men and women are chosen to fill representative positions and to act for the people of our state. Of all these positions in state government, our citizens look most frequently to the Governor as a leader, a spokesman, a planner, and an advocate for an improved society and way of life.

As Governor, it is my responsibility to work with all facets of our state government to ensure that the people's trust is well placed and that the government is serving the interest of all the citizens of Texas. Such a charge requires that the Governor work with the legislators chosen from the 150 House districts and the 31 Senate districts. It requires that the Governor carefully observe the operation of state board members responsive to the people of our state. The Governor must cooperate with other statewide elected officials to establish a coordinated approach to running the business of state government. None of the goals of any of these groups can become reality without all of us working together very closely and with the welfare of our entire state in mind.

During my administration, we will direct our attention to several issues and areas of concern.

> One of the most important responsibilities for the state is to provide for a quality education system for the young people who are our future. All our planning and efficient management will be useless unless we provide our citizenry with the skills necessary to think and to make informed decisions. We must also address the issue of employment and employability of persons and ensure that state government is doing all it can to assist people in their quest for employment and obtaining job training.
>
> I will insist that the state government direct new attention to the increased cost of utilities. It is imperative that we do all within our power to regulate fairly the providers of energy and services to our homes. At the same time we must make certain that those companies operate within an environment which supports reasonable profit and growth.
>
> I believe state government must function economically. To that end, I am committed to a firm fiscal policy which allocates current income in an effective manner and underscores the fact that Texas currently needs no new taxes.

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Handout #2 Continued
THE GOVERNOR OF TEXAS

> Additionally, the issues of crime and adequate planning for our penal system will be a focus of my administration. I am certain that innovative and sound approaches to the problems of criminal and juvenile justice can be found. Some of the answers to this issue well may lie in the planning and implememtation we do in the area of education and employment.

As this administration moves forward, I will lead in the planning and in the execution of our plans. I will advocate a Texas which builds on a past history of success and looks forward to a future as bright as the lone star in our flag. The Governor of Texas must look for the best for this state and the Governor must give his or her best to the people who have conferred the leadership and authority which he or she exercises. Only to the extent that we realize the origin of our political authority do we adequately reflect the democracy which is our heritage.

Discussion Questions:

1) Bill Clements, Gov. White's predecessor, said, "As Governor, I am also a public servant." What evidence can you give from Mark White's article that he shares that belief?

2) Governor White mentions cooperation with other groups as a vital responsibility of the governor. What groups does he mention as those with whom he must cooperate?

3) What are Governor White's top areas of concern for his administration?

WRITE THE GOVERNOR

What issues or ideas would you like to see Governor White consider? Write a short letter telling him what YOUR goals are for Texas government in the next few years.

Handout #3

Journalists score with irreverence

By **LAYLAN COPELIN**
American-Statesman Staff

Austin Disablevision sent a clear signal to a sell-out audience at the Paramount Theatre Saturday night. Nothing is sacred, least of all politicians, boogie bears and highways that go nowhere.

The fifth annual Gridiron Show, a parody written and performed by the Society of Professional Journalists, brought the house down with skits and songs.

The greatest crowd-pleaser was Ron Oliveira, singing to the tune of "Old Man River":

"Old Man MoPac, that old man MoPac, he don't go nowhere, he should go somewhere."

For the literary set, there was Gov. Bill Clements swapping limericks with his opponent Mark White. White began:

"There once was a governor named Bill
Who shot from the lip without skill.
He said with a frown
I'm not really a clown.
It's just that my mouth won't be still."

Clements, who claimed he'd been compared to Byron and Keats, replied:

"An incompetent lawyer named White
Is known to be not very bright.
When his cases are set
He will usually forget.
And he's wrong more often than right."

As producer Mike Kelley explained, there were logistical problems in bringing the two candidates together.

"For example, this theater doesn't have two right wings," he said.

Attorney David Bolduc proved doubly funny as the Rev. Joe Bob Righteous preaching to the school textbook selection committee and later as senatorial hopeful Jim Collins.

In Gov. Bill's Neighborhood, Monte Williams played a fatherly Clements who assured the audience that boogie bears — William Wayne Justice, Pedro the Undocumented Bear and the unemployment trust fund — won't hurt us as long as they're caged. But once the bears threw Clements behind bars, it was time for Hitler to goose-step on stage and advise the govenor to drop the Mr. Nice Guy campaign.

Sixth Street, the Austin City Council and an editor who finds it hard to be humble were just a few of the targets in the two-hour production.

Proceeds from Gridiron Show go to the DeWitt Reddick First Amendment Fund and the Stuart C. Long Scholarship Fund.

Austin American-Statesman
Oct. 3, 1982

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GOVERNING TEXAS - AN OPPORTUNITY TO PARTICIPATE

Handout #4

LESSON XXVII

State's first Republican governor refused to leave office in 1874

FOOTNOTE TO HISTORY — When Republican Bill Clements turns over the governor's office to Democrat Mark White Tuesday the transition will be tranquil. That wasn't the case 108 years ago, when the only other Republican to hold the office refused to vacate it.

He was Brig. Gen. Edmund J. Davis, a Union officer and Florida native.

In November 1869 he was voted Texas governor after an election in which no Democrat was allowed to run. He defeated Andrew Jackson Hamilton, who had been appointed military governor in 1865, by 800 votes. Davis was inaugurated Jan. 1, 1870, and immediately established a state police force responsible only to him.

In the 1873 election Democrat Richard Coke beat him by a ratio of 2 to 1. Davis contested the election in the Republican courts and was declared the winner. Later the Democratic Legislature overturned the ruling and installed Coke as governor Jan. 15, 1874.

Davis, however, refused to give up the office. He barricaded himself in the Capitol and ringed the place with his secret police. He telegraphed President Grant and asked him to send the U.S. Army. Grant refused.

When Democrats around the state began plans to raise a private army and storm the Capitol, Davis reluctantly moved out and Coke took over.

Talk of Texas

Jack Maguire

MATTER OF ARITHMETIC — How many governors has Texas had?

Depending on how one looks at history, Mark White could be the 42nd, 95th, 99th or the 103rd person to occupy the office of chief executive.

Texas got its first governor in 1523, when the king of Spain appointed one. Three other royal governors held the title at various times before 1691, when an official government of the province was established. From then until Spanish rule ended in 1822 — when Mexico won its independence — 37 men held the office.

Mexico appointed 14 governors of Texas between 1822 and 1835. After Texas declared its independence, there were two provisional governors before the new republic inaugurated Mirabeau B. Lamar as its first president March 16, 1836.

When Texas became a state in 1845, J. Pinkney Henderson was elected the first governor. Thirty-nine other men and one woman have held the office since. So by most counts White will be the 42nd governor.

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Jan. 16, 1983

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LESSON XXVIII

THE TEXAS ADMINISTRATION

OBJECTIVES:

1) Students will get an overview of the Texas administration.

2) Students will become familiar with the work of the Texas Railroad Commission.

MATERIALS NEEDED:

1) Handouts #1 & #2.

LESSON PLAN:

1) Distribute Handout #1 and discuss the areas of responsibility represented.

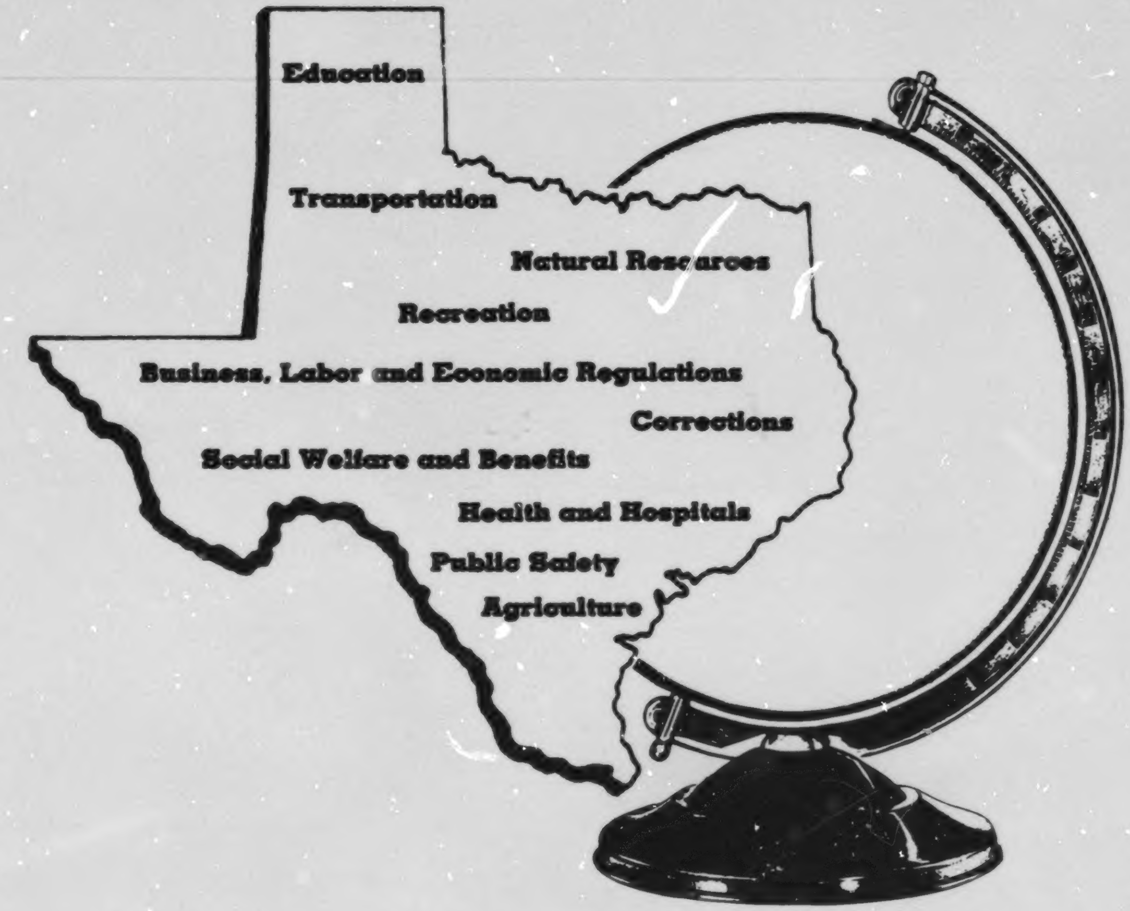
2) Distribute handout #2 and have students read it. Discuss their answers to the questions at the end of the handout.

LESSON XXVIII

Handout #1
THE TEXAS ADMINISTRATION

— An Overview

Texas had been called a "board and commission" state because there are so many of these including six provided by the Constitution and 130 created by statute. The Governor makes about 2,000 appointments to these boards and commissions with confirmation of ⅔ of the members of the Senate. He does not appoint six high state officials (see Lesson XXVII) or the Board of Education or Railroad Commission. The people in these positions are elected by the voters. The drawing on this page represents some of the major areas of responsibility by state government, many of which are represented by large state agencies with boards and commissions. On the following pages we will discuss three of these state agencies.


Education
Transportation
Natural Resources
Recreation
Business, Labor and Economic Regulations
Corrections
Social Welfare and Benefits
Health and Hospitals
Public Safety
Agriculture

LESSON XXVIII

THE TEXAS ADMINISTRATION

Handout #2

Texas Railroad Commission Wields Enormous Power

By Bruce Hight
Capitol Bureau Chief, American Statesman Staff

It's name – the Texas Railroad Commission – sounds almost quaint in the late 20th century of Pac-Man and space shuttles. But don't be fooled. The Texas Railroad Commission wields enormous power and many experts feel it is the single most powerful state agency in the nation.

The commission possesses that power because it is assigned the task of regulating the state's premier industry, the production of oil and natural gas. With about one-third of all the oil and gas produced in the United States coming from Texas wells, it's not difficult to understand the importance of this commission.

Making sure that oil and gas well drilling and pumping doesn't damage the environment and that oil and gas is not wasted by trying to bring up too much too soon are among the commission's prime responsibilities in this area.

In 1890, when the commission was created by th Legislature, it had nothing to do with oil and gas. Its job then was to regulate the railroads, virtually the only means of moving freight or people over long distances across land.

But the entry of the federal government into railroad ragulation and the decline of passenger trains over the years has left the commission with little responsibility for railroads.

Meanwhile, oil and gas were discovered in Texas in the 20th century and its rapid and chaotic development -- which resulted in much gas simply being burned off and many wells wasting oil -- forced the state to step in and impose order. And as time passed, the Legislature handed other responsibilities to the commission as well, including:

--An appeals body for natural gas utilities. If a gas utility company wants to raise its rates, it must first go to the city council of the city it serves. But if the city doesn't let the company raise the rates as much as the company wants, it can then go to the Railroad Commission.

--Also, in areas where no city council has authority, the gas company goes directly to the commission if it wants to raise its rates.

--Pipeline safety. Thousands of miles of natural gas lines criss-cross Texas, and lines that are not properly maintained can explode, causing death, injuries and property damage. It's the commission's job to make sure those pipelines are maintained by the companies that own them.

--Liquefied petroleum gas (LPG) safety. Also called propane and butane, such gas is kept in tanks of a wide variety of sizes and, like pipelines, must be properly maintained if no accident is to occur.

LESSON XXVIII

THE TEXAS ADMINISTRATION

Handout #2 (continued)

Strip-mining regulation. Many Texas electric utilities are now burning lignite, a form of coal, in order to produce electricity. To do that, they must strip off soil on top of the lignite and then replace it once they have dug up the lignite.

Improperly done, strip-mining can poison underground water supplies and permanently damage land, leaving it unable to support plant or animal life. The commission is responsible for ensuring that strip-mining is done properly.

--Believe it or not, the commission does have some responsibility for railroads, though what little authority it has over railroad rates are limited to shipments that are both sent and received within the state. It has somewhat more authority over such "intrastate" rates and service routes for trucks and buses as well.

Unlike other state commissions, the Railroad Commission's three, co-equal top officers -- Jim Nugent, Mack Wallace and Buddy Temple -- are elected by voters to six year terms. The three choose their chariman from among themselves, and each is paid $61,000 a year.

Supporting the commissioners are about 850 staff members statewide, including petroleum engineers, geologists, lawyers, computer experts and secretaries and clerks. Not all of them are in the headquarters in Austin; many are in district offices scattered throughout the state.

It costs the state about $25 million a year to run the commission, and that money comes from the Legislature.

1) Why is the Texas Railroad Commission considered by many experts to be the single most powerful state agency in the nation?

2) What was the Railroad Commission's original responsibility? Why was that soon reduced to almost nothing?

3) In addition to regulating oil and gas production in Texas, what other responsibilities does the Commission exercise?

4) How do the officers of the Railroad Commission differ from those of the other state agencies?

LESSON XXIX

THE TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

OBJECTIVES:

1. The students will become familiar with basic information on TDMHMR and with specific information on two state schools.
2. The students will contact and become familiar with a TDMHMR program in their community.

MATERIALS NEEDED:

1. Handouts #1, 2 & 3 on TDMHMR, the Austin State School and Travis State School.
2. Community sources of information on local programs.

LESSON PLAN:

1. Distribute handouts on TDMHMR, the Austin State School and Travis State School.
2. By using the list of services provided in the description of TDMHMR or by using the local telephone directory or other sources of information, the class will attempt to learn more about a TDMHMR program in their community. This can be accomplished in several ways:

   a. A field trip

   b. Contact with the director of volunteer services and arrangements for the class to volunteer at a specific time to provide a program or treats for the patients. A pen-pal program might be set up or other suggestions for contact might come from the class.

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XXIX THE TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Handout #1

What is it?

Created in 1965 by the legislature, the Texas Department of Mental Health and Mental Retardation (TDMHMR) works to preserve the mental health of Texas citizens and to help mentally retarded persons achieve their potential. The goals and policies of the agency are determined by a nine-member board appointed by the governor, and the board appoints a commissioner to see that its programs are carried out.

Whom Does It Serve?

About 175,000 mentally or physically handicapped people of all ages receive services from a TDMHMR facility or affiliated program. There are more than 20,000 patients admitted each year to the state mental hospitals. The state schools for the mentally (retarded (including the two in Austin described on the following pages) have a total of more than 10,500 residents. These residential facilities also serve more than 32,000 in additional programs. Human development and community centers reach about 110,000 Texans in neighborhood services.

What are the Services?

TDMHMR facilities offer bed, board, education, training, health care, recreation and even in some cases physical arrangements for burial. Each state school for the mentally retarded operates a special independent school district. Two of these schools are presented in articles that follow.

Where are the Services?

TDMHMR's central office is in Austin, but the major service units are located in cities and small towns throughout Texas.

State mental hospitals are located in Austin, Big Spring, Kerrville, Rusk, San Antonio, Terrell, Vernon and Wichita Falls.

State schools for the mentally retarded are located in Abilene, Austin (two)[1], Brenham, Corpus Christi, Denton, Fort Worth, Lubbock, Lufkin, Mexia, Richmond, San Angelo and San Antonio.

A specialized mental health and mental retardation center, located in Harlingen, serves the Rio Grande Valley area.

A facility at Waco is for emotionally disturbed youths aged 10-17.

State human development centers, located in Amarillo, Beaumont, El Paso and Laredo, offer special education, day care and respite services for the mentally impaired.

The Texas Research Institute of Mental Sciences in Houston, a nationally recognized research and professional training facility, provides services for many Harris County residents.

A recreation center at Leander, north of Austin, provides therapeutic programs involving camping, swimming, boating, fishing and outdoor activities.

The 30 community mental health and mental retardation centers, governed by local boards of trustees, are based in Abilene, Amarillo, Austin, Beaumont, Brownwood, Bryan, Corpus Christi, Corsicana, Dallas, Denison, Edinburg, El Paso, Fort Worth, Galveston, Houston, Longview, Lubbock, Lufkin, McKinney, Midland, Plainview, San Angelo, San Antonio, Stephenville, Temple, Texarkana, Tyler, Victoria, Waco and Wichita Falls.

Who gives to TDMHMR?

Citizen volunteers of all ages contribute hours of work that equal almost 500 full-time paid staff positions. The total value of their gifts and time is more than $5 million annually.

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[1] *Articles follow on these two state schools.*

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XXIX

THE TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Handout #2

The Austin State School

1917 to Present

The school is located at 2203 West 35th Street. One thousand retarded men, women and children reside on either the 100 acre main campus or the 75 acre annex campus, a mile away. Clients range in age from 10 to 86 years with the greater concentration over 21 years of age.

The aim of the Austin State School, of which B. R. Walker, Ph.D., is Superintendent, is to develop each resident to his fullest potential through daily programming. This programming is determined by the level of mental, physical, emotional and social functioning of each individual. The school is supported by federal and state funds.

Programs at the school include physical therapy, occupational therapy, sensory stimulation and facilitation, speech and hearing, deaf training, vocational rehabilitation for the blind, recreation and physical education, behavior modification training (includes training in basic self-help skills), religious education, rehabilitation for the emotionally disturbed mentally retarded, Foster Grandparents, prevocational training, arts and crafts and volunteer services.

The objective of the Volunteer Services Department is to interpret the needs of the clients and facility to the community. One of the goals of the Volunteer Services Department is to utilize volunteers in almost all aspects of the lives of the clients.

Volunteers assist in the social and academic development of the clients on a one-to-one ratio or in group activities. The activities vary from strolls on campus, visits in the dorms, parties, dances, or visitors entertaining the clients. Supplemental assistance is provided through volunteers in the classroom, occupational therapy, physical therapy, the dental office, other offices and in fund raising projects. Much support is given on Christmas, Easter, the 4th of July, and Halloween and throughout the year. A new indoor swimming pool will be completed by early summer and volunteers will be needed to assist in the swimming program.

Groups are encouraged to adopt a dormitory and provide a monthly birthday party for all clients having a birthday that month. High on the list of priorities is the need for volunteers to become special friends with clients on a one-to-one basis. If you are interested in becoming a volunteer please contact Volunteer Services Office at 454-4731, ext. 6331.

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XXIX

THE TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Handout #3

The Travis State School

The men, women, boys and girls who make their home at the Travis State School in Austin are people with feelings and needs, just as you have. They are made happy by the same things that bring you pleasure and they are made sad by the same things that disappoint you. They respond to attention and praise. They withdraw from criticism and indifference. They are willing to learn and they take pride in their accomplishments. They are friendly and usually cheerful, but they, too, have their good and bad days.

They have best friends and sweethearts, too, as well as certain people they don't like. They have a little more difficulty than you in understanding things and ideas beyond their immediate surroundings. They have difficulty in initiating activities and ideas. They are slower to learn many new things and must be directed over and over, but they are usually not bothered by repetition. They need a special kind and greater amount of attention and concern than most people. They love music, parties, good things to eat, fun things to do and exciting places to go — don't you?

The people of Texas recognize the need for residential schools — places where retarded men, women and children live and learn. Through the Texas legislature, federal funds, grants and voluntary contributions the necessary money is provided to create a place where each retarded person can reach his or her fullest potential.

There are 1,100 residents in the Travis State School. They come from all over Texas and about one-third of them are school-aged youngsters. Many of these people have more than one handicap — some are deaf and blind or wheelchair bound, as well as being mentally retarded. The school is governed by the Texas Department of Mental Health and Mental Retardation (TDMHMR), its board of directors which is appointed by the governor, and is also responsible to the commissioner appointed by the board. It requires an extensive and well-trained staff to develop and carry out the program and care these people require.

All of the employees work together by providing educational experiences in an accredited special education school, physical, occupational, music, and recreation therapy; medical services, employment in a sheltered environment, and many other services. People who require this specialized help may apply for admission through TDMHMR. Any individual or group who wishes to visit the TSS campus may call Volunteer Services (512) 926-2410, extension 298.

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LESSON XXX

THE TEXAS DEPARTMENT OF PUBLIC SAFETY

I. OBJECTIVE

1) Students will identify four general program areas of the Department of Public Safety and be able to give examples of the work involved in each area.

2) Students will conduct role-plays on the work of the DPS.

II. MATERIALS NEEDED

1) Handout: "Meet the Texas Department of Public Safety."

III. LESSON PLAN

1) Distribute the handout sheet and read it aloud.

2) Divide class into four or more groups, and designate each group as I, II, III, or IV, to correspond to the general program areas of the DPS. (More than one group can represent a program area.)

3) Each group will make a list of all the different kinds of work the DPS does in the general program area that the group has been assigned. A recorder will then write these on the board or on butcher paper. Discuss.

4) Each group will then be required to present a role play situation to the class, to show the kind of work the DPS does, in the general program area the group has been assigned.

Role play offers students an opportunity to engage in play-acting. Most students find great pleasure in assuming a role and teachers find it a way to stimulate students and to vary classroom activities.

Role play is a useful classroom tool and will be most successful when a sequence of steps is followed:

1. Selection of the role play situation should be consistent with the teaching goals and the needs and limitations of the students.
2. A preliminary activity where students engage in simple and familiar role playing can help to relax all students and give them practice and confidence in public performance and expression.
3. The teacher should next explain the general situation to the group and explain the purposes of the drama.
4. The teacher should then explain the specific roles to be played by students and the role requirements for the audience.
5. The dramatic action should follow with the teacher intervening when necessary with questions designed to keep the action moving and the players in character.
6. After the dramatic action the teacher should lead a debriefing session to help the class review the action, analyze causal relationships and speculate on alternative behavior and consequences.

LESSON XXX

THE TEXAS DEPARTMENT OF PUBLIC SAFETY
(continued)

The following are situations which the teacher may suggest, if any group does not create its own:

I. Traffic Law Enforcement

1) An officer talks with a driver who has had many speeding tickets, to tell him his license may be revoked.

II. Criminal Law Enforcement

1) Five tractors have been stolen from a farm equipment store. The owner is almost hysterical when two DPS officers arrive on the scene.

III. Support Services

1) An officer brings in a hammer to DPS headquarters for fingerprint analysis. The hammer may have been used as a weapon. Lab technicians study the fingerprints on the hammer, consult their files, and announce the results.

IV. Disaster Emergency Services

1) Shortly before Hurricane Allan, DPS officers visit a beach hut on South Padre Island and advise the skeptical residents to leave for safety.

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XXX

THE TEXAS DEPARTMENT OF PUBLIC SAFETY

Handout #1

Responsibilities and Programs

The Department of Public Safety is the state police agency. It discharges its obligations through four general program areas: Traffic Law Enforcement, Criminal Law Enforcement, Support Services, and Disaster Emergency Services. It also runs a police academy to train its force.

The Department of Public Safety is headed by a director and assistant director, both appointed by the Public Safety Commission. The members of this commission are appointed by the Governor.

I. TRAFFIC LAW ENFORCEMENT

The department enforces traffic laws on rural Texas highways (federal, state, and county) through the Traffic Law Enforcement Division. The division is organized into specific services, the largest of which is the Highway Patrol. Highway Patrol Troopers investigate most rural traffic accidents, recover stolen vehicles and other stolen property, apprehend persons wanted by other local, state and federal police agencies, and provide assistance to motorists in distress. During emergencies, such as hurricanes, tornadoes, floods and major crimes, the Highway Patrol also lends significant assistance to local authorities.

The Drivers License Service licenses and rehabilitates drivers through original, renewal and review examinations; by counseling interviews; by training for problem drivers; and by probation or suspension of licenses, if required.

The Motor Vehicle Inspection Service supervises the Texas Motor Vehicle Inspection Program which involves over 7,000 licensed vehicle inspection stations and around 30,000 mechanic-inspectors. The program helps insure that vehicles on Texas highways meet the minimum safety standards set by the legislature through the annual inspection of those vehicles.

Troopers of the License and Weight Service enforce laws regulating weight, registration, and other motor carrier regulations governing the transportation of property by commercial vehicles.

The Safety Education Service provides education and information programs to promote a safe transportation system, and conducts public education activities related to crime prevention and control.

II. CRIMINAL LAW ENFORCEMENT

The Criminal Law Enforcement Division, consisting of the Texas Ranger Service, Narcotics Service, Criminal Intelligence Service, Motor Vehicle Theft Service and Crime Analysis Unit, provides specialized assistance to local enforcement agencies and cooperates with federal agencies engaged in criminal law enforcement activities.

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Handout #1 Continued

THE TEXAS DEPARTMENT OF PUBLIC SAFETY

Responsibilities and Programs

The Texas Ranger Service conducts investigations of major felony offenses such as murder, robbery and burglary.

The Narcotics Service combats illicit traffic in narcotics and dangerous drugs and conducts public education programs related to drug abuse. Its responsibilities include registration of practitioners and pharmacies authorized to handle and dispense drugs defined as controlled substances.*

The Criminal Intelligence Service directs its efforts against organized crime and criminal matters of a general nature, and handles special security assignments and investigations ordered by the director of the DPS or his designated subordinates.

The Motor Vehicle Theft Service concentrates on the problem of motor vehicle and heavy equipment thefts.

The Crime Analysis Unit is charged with the anlysis and dissemination to law enforcement agencies of information regarding criminal activity, including the modus operandi of offenders.

Personnel from the DPS Traffic Law Enforcement Division render support to the Criminal Law Enforcement Division as necessary.

III. SUPPORT SERVICES

The DPS Driver and Vehicle Records Division maintains approximately 10-million driver record files and coordinates services related to driver improvement, safety responsibility, motor vehicle inspection records, and commercial driver schools.

The Inspection and Planning Division conducts research and long-range planning activities related to departmental operations.

A Data Processing Division maintains the department's central electronic data processing system which is interfaced with the statewide communications network.

LESSON XXX

Handout #1 Continued

THE TEXAS DEPARTMENT OF PUBLIC SAFETY

Responsibilities and Programs

Communications services for the DPS and local law enforcement agencies are provided by the Communications Service. A computerized message switcher at DPS Headquarters handles traffic on the statewide Texas Law Enforcement Telecommunications System and provides direct, automatic contact between law enforcement agencies in Texas, the Texas Crime Information Center and the FBI's National Crime Information Center in Washington. Direct access is also maintained into the DPS driver records computer as well as the State Department of Highways and Public Transportation's vehicle registration files. Police radio communications throughout the state are maintained by 32 full-time DPS communications stations.

IV. DISASTER EMERGENCY SERVICES

The director of the Department of Public Safety also serves as director of the Governor's Division of Disaster Emergency Services. This division, which is administered by DPS for the Governor, develops a governmental capacity for the administration of relief and recovery operations during national emergency, natural disaster and other types of major emergencies. The division coordinates state disaster relief efforts, operates the State Emergency Operating Center located underground at DPS Headquarters, and provides staff support to the Governor and other officials.

District emergency operating centers are maintained in several DPS field offices.

LESSON XXXI

FUNDING THE STATE AGENCIES

I. OBJECTIVES

1) Students will get an idea of how funding is provided for the many state agencies.

2) Students will demonstrate the ability to interpret a pie chart and data tables and to draw a pie-chart given a data table.

II. MATERIALS NEEDED:

1) Handout #1: Pie chart and data table.

2) Compass, protractor, ruler, colored pencils or pens (optional).

III. LESSON PLAN

1) Explain to the students that funding for the state agencies is set by the Legislature during the session for two-year periods. This legislature will set funding for 1984–85.

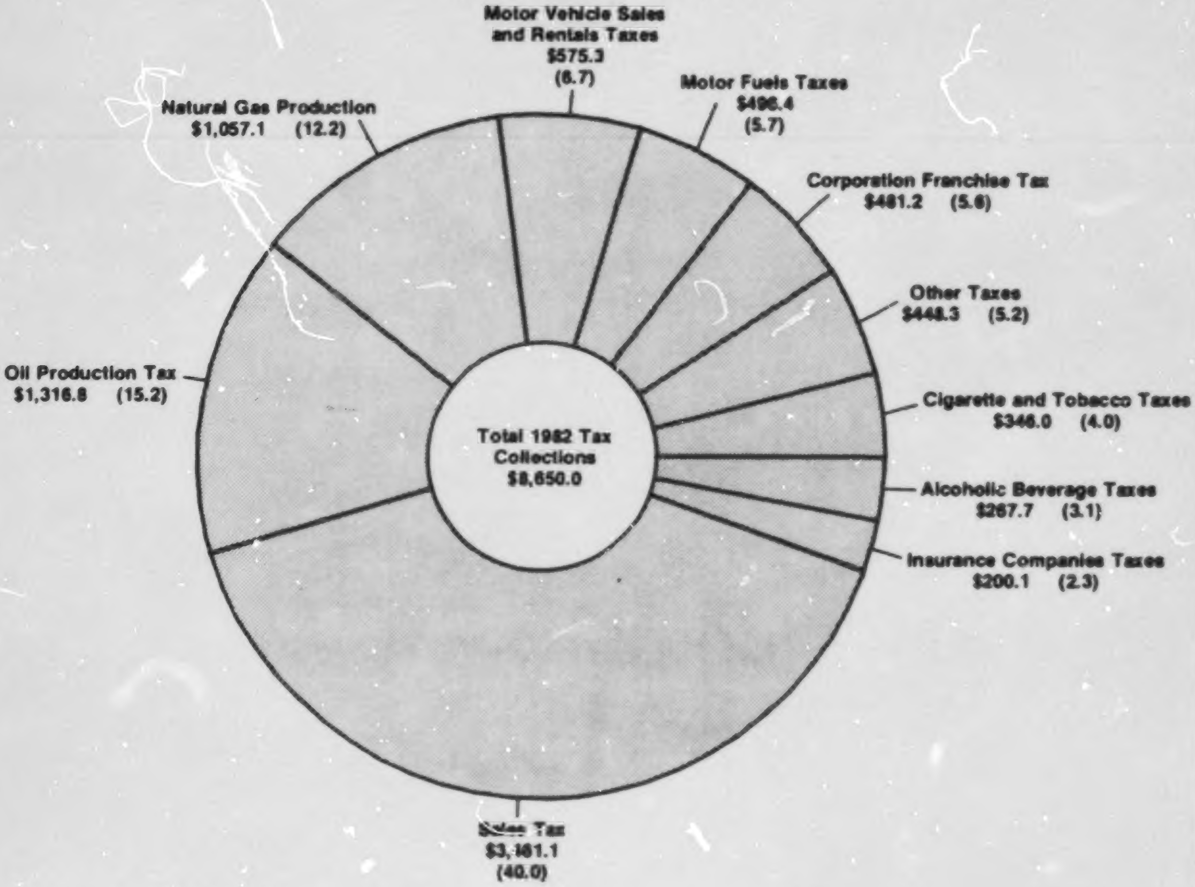
2) Distribute Handout #1. Discuss the use of pie charts as a visual aid to understanding figures. Have them answer the questions relating to the "Tax Pie", then have them answer the questions relating to the data table, including drawing their own pie chart using that data. Be sure to point out that these are data from 1982.

** Note — There is much food for discussion of governmental priorities in this section which the teacher could use.*

LESSON XXXI

Handout #1
FUNDING THE STATE AGENCIES
Data Tables and Pie Charts

FIGURE 3
NET TAX COLLECTIONS
Fiscal 1982
All Funds
Millions of Dollars
(Percentage by Source)[2]



1. a) Which tax gave Texas its largest income?
   b) Which gave it the least?
2. What percentage of the state's local tax money came from car sales?
3. How much money did the state government collect from the tax on alcoholic beverages?

---

[2] *"1982 Annual Financial Report", Bob Bullock, Comptroller of Public Accounts, State of Texas; Austin, 1982, p.22.*

LESSON XXXI

Handout #1 (continued)
FUNDING THE STATE AGENCIES

Reading a data table and constructing a pie chart: Texas state expenditures 1978.

Net Expenditures State of Texas,
Fiscal Year Ended August 31, 1982

Function	Amount (in millions of dollars)	Percentage of Total
Public Education	$5,736.6	47.5
Public Welfare	1,802.9	14.9
Highways (maintenance & construction)	1,353.6	11.2
Mental Health, State Homes, & Corrections	730.2	6.0
Other Costs	2,463.1	20.4
Total	$12,086.4	100.0

Source: *1982 Annual Financial Report*, Bob Bullock, Comptroller of Public Accounts, State of Texas, Austin, 1982, p. 33.

1. a) What function did Texas government spend the largest amount on?
   b) What function did it spend the least on?
2. What percentage of the state's total expenditures was spent on its highways?
3. How much money did the state spend on public welfare?
4. Which could you understand more quickly and easily, the pie chart or the data table?
5. Draw a pie chart to represent the data in the data table above. To do so you must follow these steps:
   a. Use a compass to draw a circle, mark the center.
   b. Calculate the number of degrees of the circle which should be given to each function.

   Use this formula:

$$\frac{\text{percentage}}{100} = \frac{\text{Number of degrees}}{360}$$

or

$$\text{number of degrees} = \frac{\text{percentage x } 360}{100}$$

   c. Mark on the circle, using a protractor to measure, the space to be given to each function, and draw in the pie lines. Be sure to print in clearly what each pie segment represents. Using different colors can help to make a pie chart even clearer.

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LESSON XXXII

EXECUTIVE REFORMS

OBJECTIVES:

1) The students will read and discuss the proposals for reform of the executive branch of Texas government.

MATERIALS NEEDED:

1) Handout #1

LESSON PLAN:

1) Review and discuss the proposals for executive reform.

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LESSON XXXII

EXECUTIVE REFORMS
Handout #1

As we have discovered, the governor of Texas has a number of formal powers such as the veto power in the legislature and the power to appoint a great many members of agency boards and commissions. He also has a number of informal powers which make it possible to exert considerable influence on government policy.

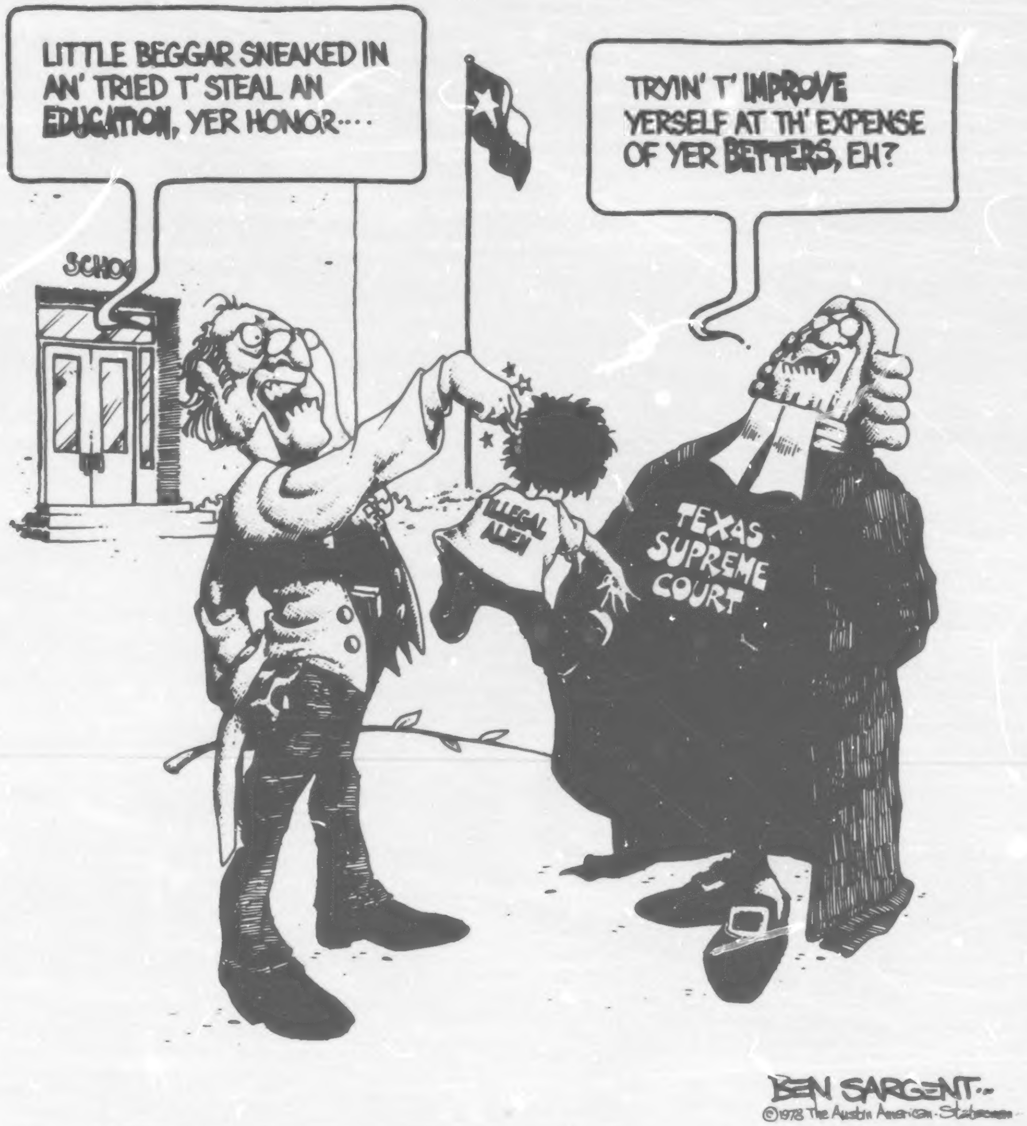
Those who would like to strengthen the office of the governor and change the administration of state government to make it more efficient have suggested a number of reforms. A few of them are summarized briefly below.

1. To change the number of statewide elected officials to include the governor, lieutenant governor and attorney general only.
2. To convert state agencies (there are about 200), boards and commissions which are now independent into executive departments whose directors would be appointed by and responsible to the governor.
3. To give the governor the power to prepare and carry out the budget for the state. These duties are currently shared with legislators and other executives.
4. To give the governor power to issue orders to administrators to carry out various policies.
5. To give the governor power to remove state executives and board members who disagree with his administration. Until the passage of Amendment No. 6 to the state constitution in November, 1980, the governor had almost no removal powers; this amendment gives the governor the power to remove from office anyone he appoints, with the approval of two-thirds of the senators present at the session where the removal is proposed. Whether or not the governor should have more removal powers is a complicated issue which involves, among other things, a complete study of who the governor does and does not appoint and how that affects the way the government operates.

LESSON XXXIII

CARTOON ON THE JUDICIARY

(Note: For lesson plan and suggestions see LESSON XII — CARTOON INTERPRETATION)


LITTLE BEGGAR SNEAKED IN AN' TRIED T' STEAL AN EDUCATION, YER HONOR....
TRYIN' T' IMPROVE YERSELF AT TH' EXPENSE OF YER BETTERS, EH?
SCHOO
ILLEGAL ALIEN
TEXAS SUPREME COURT
BEN SARGENT
©1978 The Austin American-Statesman

This cartoon by Ben Sargent was based on the Texas Supreme Court ruling in 1978 that the state didn't need to provide public education for illegal alien children. On June 15, 1982 the U.S. Supreme Court held that Texas could not deny public education to illegal alien children.

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LESSON XXXIV

THE TEXAS JUDICIARY: AN INTRODUCTION

I. Objectives

1) Students will understand the function of the Texas judiciary as one of the three branches of government.

2) Students will be able to justify the independence of the judicial branch.

3) Students will be provided with a glossary to aid them in all of their lessons on the judiciary.

II. Materials Needed:

1) Handout #1, an article by Judge Zollie Steakley

2) Handout #2, a glossary of terms relevant to the judicial branch of government.

III. Lesson Plan

1) Teachers should begin the unit on the judiciary by reviewing the purpose and function of this branch (see Lesson III). Students need to understand clearly that this branch includes the court system.

2) Judge Steakley's article presents a powerful argument for an independent judiciary. Conduct a brainstorming session with students on the dangers of having a judiciary which is *not* independent.
Have students write short essays on the value of an independent court system.

3) The glossary will be of use during the entire unit on the judiciary. Students will benefit most from this list if they study and learn to use a few words at a time.

GOVERNING TEXAS - AN OPPORTUNITY TO PARTICIPATE

LESSON XXXIV THE TEXAS JUDICIARY: AN INTRODUCTION

OUR GREAT TWIN PEAKS: AN INDEPENDENT JUDICIARY RESPECT FOR LAW

COMMENTS OF JUDGE ZOLLIE STEAKLEY
JUSTICE, SUPREME COURT OF TEXAS (Retired)

Handout #1

There are two basic concepts of our form of government in relation to law and order. These are an independent juciciary and respect for law. Their preservation is an imperative.

As to the first, I have long felt that the actual role and responsibility of the judiciary in the governmental processes of our constitutional system are little understood.

We have all heard it said that government of laws and not of men is the watchword of democracy; that to do justice is the highest achievement of man; and that an independent judicial system is the keystone of our American system.

We have known in a general sense that ours is a government of divided powers in which the legislative branch passes laws, the executive branch enforces laws, and the judicial branch interprets laws.

This has been so because it was determined in the Constitutional Convention that the best promise of a free society lay in a government of divided powers with [illegible] independent judiciary; and because of the complemental and remarkable intuitive and restraining respect for law which has characterized our people from our beginnings.

Implicit in the provision for an independant judiciary was the deep concern of our forefathers for the protection of the freedoms, the rights and the property of the individual citizen. But political wisdom told them, as it tells us now, that true liberty cannot be more secure than the spirit of the people to achieve and maintain it. History teaches us that control of the judiciary has been the first objective of those who would become dictators. Hitler knew this: Karl Marx, Nicholai Lenin, and Josef Stalin knew this.

The Russian lawyer and diplomat, Vyshinski, admits quite openly in his writings that in the Soviet constitutional system the judicial process is an instrument of political struggle; and that it was first employed for the success, and then for the defense, of the socialist revolution. Justice is merely incidental.

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LESSON XXXIV THE TEXAS JUDICIARY: AN INTRODUCTION

Handout #1 Continued

COMMENTS OF JUDGE ZOLLIE STEAKLEY
JUSTICE, SUPREME COURT OF TEXAS (Retired)

But what of our law? And of our justice? It can be said that our law, though not perfect, is the marvel of the modern world. Under it we have grown and progressed; we have become the richest and most powerful nation in the world. Today in our country the lowest person under our flag enjoys more equal social justice, more protection of life, liberty and property, a broader opportunity to pursue happiness, a greater personal freedom, than has ever been provided for the common man by any other system recorded in history.

Destroy either the independent judiciary or respect for law and you destroy justice. Destroy either and you destroy the ordered society we have known since we began as a nation.

The independence of the judiciary means that in interpreting the constitution and statutes, and administering justice between the state and its citizens, and between its citizens, our judges are set apart from political pressures, that they are removed from partisan politics; and that they are beholden to no one. In short, they are independent of influences except those dictated by justice and law.

Of these -- justice and law -- one of the distinguished members of the Supreme Court of Texas has written:

"Justice is the dictate of right, according to the common consent of mankind generally, or of that portion of mankind who may be associated in one government, or who may be governed by the same principles and morals.

"Law is a system of rules, comformable, as must be supposed, to this standard, and devised upon an enlarged view of the relations of persons and things, as they practically exist. Justice is a chaotic mass of principles. Law is the same mass of principles, classified, reduced to order, and put in the shape of rules, agreed upon by this ascertained common consent. Justice is the virgin gold of the mines, that passes for its intrinsic worth in every case, but is subject to a varying value, according to the scales through which it passes. Law is the coin from the mint, with its value ascertained and fixed, with the stamp of government upon it which insures and denotes its current value."

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XXXIV

Handout #2

GLOSSARY: THE JUDICIARY

1. acquitted — a court decision that one is not guilty.
2. adjudication — the process of hearing and deciding a legal case.
3. appeal — a second hearing to reconsider an original decision.
4. appellate jurisdiction — the authority to hold a second hearing to reconsider an original decision.
5. arraignment — a court hearing before a trial at which the accused person hears the charges against him.
6. assault — unlawful violence of one person upon another.
7. bail — the amount of money which a suspected criminal must put up to get out of jail until his trial.
8. bailiff — a court official who maintains order in the courtroom.
9. bondsman — a person who takes responsibility for another by guaranteeing money.
10. civil suit — a case involving a dispute over law brought by a citizen.
11. conviction — a court decision that a person is guilty of the offense with which he is charged.
12. counsel — a lawyer who gives advice in a legal matter.
13. delinquent conduct — instead of having indictment or sworn criminal complaints, the juvenile is accused of delinquent conduct.
14. detention — the act of holding a person in custody.
15. discretionary transfer — the decision to try a young person as an adult in an adult court rather than in a juvenile court.
16. double jeopardy — no person shall be tried twice for the same crime.
17. felony — a major crime (such as murder, arson or rape) — the penalty for which is imprisonment and/or fines.
18. Grand Jury — a group of citizens who hear evidence and decide whether a person should be brought to trial for a crime he may have committed.
19. Habeas Corpus — anyone held in custody has the right to be brought before the court so that the court can determine if he is being legally held.
20. indictment — a formal written accusation charging a person with a crime, drawn up by a grand jury after studying the evidence and facts of a case.
21. jurisdiction — authority over certain legal matters or over certain geographic areas.

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LESSON XXXIV

Handout #2 Continued

GLOSSARY: THE JUDICIARY
(Continued)

22. misdemeanor — a crime less serious than a felony, punishable by a fine, jail sentence or both.
23. municipal — related to a local unit of government such as a town or city.
24. original jurisdiction — the authority to hear a case for the first time.
25. pardon — a grant of mercy by the governor after recommendation by the Board of Pardons and Paroles — this may involve a full pardon and restoration of civil rights or a conditional pardon.
26. parole — the freeing of a prisoner before his sentence has been fully served.
27. petit jury — a group of persons chosen to decide a case in court.
28. precinct — one of the four administrative divisions in every Texas county.
29. probation — the suspension of sentence of a person convicted but not imprisoned.
30. prosecutor — a lawyer who handles criminal cases on behalf of the state or people.

ALL IN FUN

Can you unscramble these?

tluassa

ioeedtntn

iiffbla

lorape

yiiujdcar

eoaprl

enocusl

eiincdtmnt

rtcsrpoeuo

appael

LESSON XXXV CRIMINAL AND CIVIL LAW CASES

I. OBJECTIVE

1) Students will be able to pick out key phrases in news stories to distinguish between articles on civil and criminal court cases.

II. MATERIALS NEEDED

1) Handout #1, which explains the differences between criminal and civil cases.
2) Handout #2, four newspaper articles on court cases.

III. LESSON PLAN

1) Read and discuss with students Handout #1.
2) Have students read the articles on Handout #2 and follow the directions requiring them to underline the key phrase in each one. They should determine which article is about a civil case and which a criminal one.

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XXXV

CRIMINAL AND CIVIL LAW CASES

Handout #1

Laws are the formal statements of community standards. There are basically two kinds of laws — civil and criminal. Civil laws define duties which individuals owe to other members of society. If you violate those duties, the person whom you have injured, either physically or economically, can bring a civil suit against you. For example: if an adult signs a contract to buy a car and then changes his mind, the seller can sue him for breach of contract.

The purpose of civil courts is to resolve disputes between or among individuals, businesses or units of government. The results of a civil suit usually involve payment of money as damages, but may also result in the court ordering one of the parties to take a specific action, for example, to fulfill the promises he made in a contract.

Criminal laws define those things we call crimes. The criminal laws are enforced by the police, public prosecutors (such as the District Attorney) and the criminal courts. The police investigate crimes and make arrests. The prosecuting attorney, with the help of the grand jury , decides whether someone will be charged with and prosecuted for a crime.

The purpose of criminal courts is to conduct trials to determine whether someone is guilty of a crime with which he is charged and to see that justice is carried out.

To complicate matters some actions can violate both civil and criminal law. For example: if someone beats you and hurts you badly he may be charged with the crime of assault and battery; in addition, you may be able to sue him for money damages because of your injuries. Public authorities, as stated above, would bring the crime before the courts as part of their job to protect the public interest. If you wished to bring a civil suit against your attacker you would hire a lawyer to represent your personal interest.

LESSON XXXV

CRIMINAL AND CIVIL LAW CASES
Handout #2

The four news stories on these three pages illustrate cases of civil and criminal law. Underline the key phrases which help distinguish which case is criminal and which is civil.

2 men charged in extortion try

Two Austin men were arrested and charged with attempted theft by extortion Saturday after parents of three teenage girls received phone calls threatening the lives of their daughters.

William Curtis Boyd, 17, of 2616 McGregor and Steven Traywick, 20, whose address was unavailable, were taken to city jail and later transferred to county jail. Bond was set at $5,000.

Police reported that the two were arrested at the McGregor address.

The callers were apparently acquaintances of the girls. Details of how police linked the two suspects to the calls were unavailable.

In one of the calls made to a parent the caller said that if he wanted to see his daughter again, he'd better "pay some money." The caller then demanded that "$15,000 in small bills" be left at a phone booth at Manchaca Road and West Ben White Boulevard.

American Statesman
December 28, 1980, B-5

LESSON XXXV

CRIMINAL AND CIVIL LAW CASES
Handout #2 Continued

Bay City woman hurt in auto wreck

High court affirms $1 million judgment

By CANDICE HUGHES
American-Statesman Staff

A Bay City cleaning woman who won a $1 million judgment from the Texas Supreme Court Wednesday said she can now afford additional surgery for injuries she received in a wreck almost four years ago.

The Supreme Court upheld lower court judgments awarding Marilyn Ansley, 32, damages from Armelli Express Lines of Florida and one of its tractor-trailer drivers, William Duckett, as a result of a wreck March 27, 1977, in Montgomery County.

"I'm pleased, but this has happened so many times it's just like it's not even real yet," she said.

The $1,039,500 award should be real in a couple of months, said John O'Quinn of Houston, one of Ansley's lawyers. O'Quinn estimated that she would have $700,000 left over after paying medical and lawyers' fees.

"It sounds like a lot of money, but I wouldn't go through that again for $20 million," Ansley said Wednesday.

She suffered multiple facial fractures, a broken left knee, a broken right thigh and broken left arm when her pickup collided with the jackknifed Armelli trailer blocking her lane shortly before midnight.

Ansley was trapped for an hour inside her truck, which went partly underneath the trailer. After an emergency tracheotomy, she was taken by helicopter to Hermann Hospital in Houston, where she stayed for almost four months. She was in a wheelchair for 2½ months after her release.

The hospital bill along was over $50,000," Ansley said. "My husband is self-employed in construction, and the winter is a bad time for construction work. We had to tighten up and had let our insurance lapse. I didn't even have a lawyer until all the bills started coming in."

Ansley, who is still taking medicine for pain, said she still needs surgery to reset her jawbone, implant a plastic kneecap, remove a rod in her fractured leg and replace teeth lost in the wreck.

American-Statesman, January 8, 1981, B-3

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XXXV

CRIMINAL AND CIVIL LAW CASES
Handout #2 Continued

Both of these stories are from the American-Statesman, January 1, 1981.

Gulf sued over town's gas leaks

By PETE SZILAGYI
American-Statesman Staff

Gulf Oil Co. has been sued in a $10 million class-action suit by 70 Mont Belvieu families who were forced to evacuate their homes last fall after dangerous levels of gas were found in their neighborhoods.

The suit alleges that Gulf and its subsidiary in Mont Belvieu, Warren Petroleum, were negligent in allowing a mixture of propane and ethane to leak from a storage well in a salt dome under the town, 35 miles east of Houston.

The families were evacuated after accumulated gas exploded in a resident's kitchen, burning her on the face and arms. They have been living in motels and apartments, with Warren paying their expenses.

Warren officials say the leak in their well under the town might have contributed to the problem, but the company will not take full responsibility for the gas contamination.

William Buck, a Baytown lawyer who filed the suit Tuesday in Harris County District Court, said the evacuees had suffered hardship and property devaluation.

"Who is going to want to move there after reports of the gas leaks? he said.

Buck said that the families are asking for a minimum of $10 million in damages and that the figure probably would rise as the exact losses the families have allegedly suffered are determined. The oil company will have to prove that the area will not be contaminated by future gas leaks, he said.

A company spokesman would not comment on the suit, but read a statement saying:

"It should be noted that Warren Petroleum Co. has acted in a responsible manner in Mont Belvieu for over 24 years and during this incident has made every effort to correct the problem and alleviate hardship to residents and local businesses."

The company's three-month effort to purge the gas from under the city has been "encouraging," and the displaced residents should be able to return to their homes within three weeks. said O. Keith Owen, Gulf public affairs representative.

Owen said there would be no property devaluation because of the leaks. Gulf will meet resettlement costs of those who were evacuated.

The company has undertaken a stringent testing program to assure that similar incidents will not occur again, he said.

Burglar needed truck for haul

A burglar who police said would have had to use a truck to haul away his loot cleaned out a University of Texas law student's apartment during the past week, stealing thousands of dollars in stereo equipment and other items.

Police said Nancy Carolyn Ferguson, 32, of 1801 S. Lakeshore Dr., reported Tuesday night that her apartment was burglarized sometime between Dec. 22 and Tuesday while she was out of town for the Christmas holidays.

Taken in the break-in, she reported, were a 15-inch color television, a microwave oven, an electric typewriter, two stereo turntables, two stereo receivers, four stereo speakers, two eight-track tape players, two cassette tape players, an AM-FM clock radio, about 60 eight-track and cassette tapes, an unknown number of albums, four suits and a leather jacket.

Investigating officers said there was no sign of forced entry into the apartment, but a dining-room window was open.

LESSON XXXVI

TEXAS COURT SYSTEM

I. Objectives:

1) The students will become familiar with the various Texas courts.

2) The students will gain first-hand experience of the courts.

II. Materials Needed:

1) Prior planning for field trip.

2) Handouts #1, #2, and #3. Transparencies may be made of #1 and #3 if desired.

3) Transportation for the field trip.

4) Copies of newspapers.

III. Lesson Plan:

1) Briefly read and discuss handouts #1 and #2. Distribute copies of handout #3 and ask students to answer the questions under each article. Note to teachers: you may want to watch the newspaper for more examples of articles about court cases to use in a similar manner as those in the handout.

2) Have students collect stories from the newspaper and other media on cases being tried in the different courts. Explain any new vocabulary words they encounter in these articles and add to a class vocabulary list.

3) Field trip: (The teacher may wish to schedule this at the end of the judicial unit.)

a) Before planning any field trip experience, the teacher should understand the local school or district's rules and regulations regarding field trips.

b) Field trip to the courthouse
—check docket by calling the clerk of the court
—make arrangements with the judge or other court official

c) Explain the trip to the students and present them with background on the case(s) they are to hear. Give a brief explanation on the decorum of the courtroom.

d) Tell students what they are going to look for:
—make out a checklist or a questionnaire
—include Who, When, Where, Why, and What.

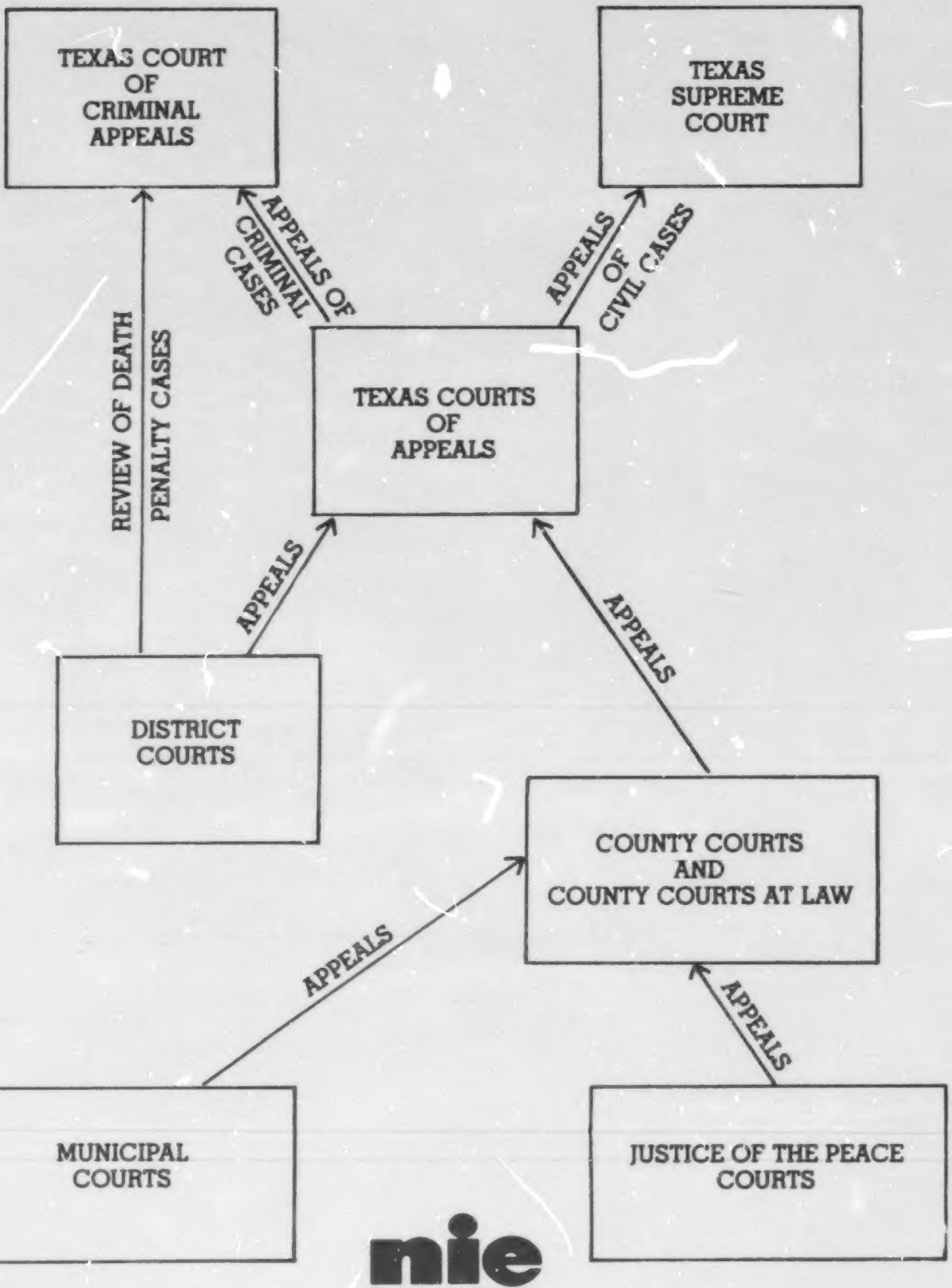
e) Have students watch the newspaper for articles related to the case they have watched.

f) Have students write a news story about the trial they watched.

LESSON XXXVI

TEXAS COURT SYSTEM
Handout #1

The diagram below illustrates the court structure for Texas courts.


TEXAS COURT OF CRIMINAL APPEALS
TEXAS SUPREME COURT
APPEALS OF CRIMINAL CASES
APPEALS OF CIVIL CASES
REVIEW OF DEATH PENALTY CASES
TEXAS COURTS OF APPEALS
APPEALS
APPEALS
DISTRICT COURTS
COUNTY COURTS AND COUNTY COURTS AT LAW
APPEALS
APPEALS
MUNICIPAL COURTS
JUSTICE OF THE PEACE COURTS

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LESSON XXXVI

TEXAS COURT SYSTEM

Handout #2

The outline below gives details of the jurisdiction of Texas courts. Jurisdiction means the power of a court to hear a case.

I. Municipal Courts—jurisdiction over violations of city ordinances (laws) and shared jurisdiction with the justice of the peace courts over certain misdemeanor violations of state laws which occur within the city limits as long as the fine for these crimes does not exceed $200. Most of the cases heard in these courts are traffic violations.

II. Justice of the Peace Courts

   A. Criminal cases—jurisdiction over all misdemeanors punishable by fine alone which does not exceed $200.

   B. Civil cases—cases where the amount in question does not exceed $500.

   C. Other duties—act as notaries public, hold inquests to see whether certain deaths occur from natural causes, hold hearings on driver's license suspension, set bond, issue search warrants and arrest warrants, hold examining trials, and perform marriages.

III. County Court

   A. Criminal cases—jurisdiction over all misdemeanors involving jail terms or fines over $200.

   B. Civil cases—all cases where the amount in question is between $200 and $1,000. This means that its jurisdiction overlaps (called concurrent jurisdiction) with the justice of the peace courts and the district courts. County courts also serve as probate courts which deal with the transfer of property when someone dies.

IV. District Court

   A. Criminal cases—jurisdiction over all felonies and misdemeanors which involve charges of official misconduct.

   B. Civil cases—all cases where the amount in question is over $500. These courts also hear divorces and handle most juvenile cases.

V. Texas Courts of Appeals—hear appeals of both civil and criminal cases from both the county courts and the district courts. The exception is in the case of appeals of death penalty cases from the district courts. These cases go straight to the Texas Court of Criminal Appeals.

VI. Texas Court of Criminal Appeals—hears appeals of criminal cases from the courts of appeals as well as direct appeals of death penalty cases from the district courts.

VII. Texas Supreme Court—hears appeals of civil cases from the courts of appeals.

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LESSON XXXVI

Handout #3
THE TEXAS COURT SYSTEM

Cook held in shooting death

By MIKE COX
American-Statesman Staff

An East Austin short-order cook was charged with intentional murder Friday after an early morning argument in a bar turned to violence in the street.

Punishment for this crime is 5 years to life in prison. Is it a felony or a misdemeanor? What court would hear this case?

Judge doubts Autry will be executed

BEAUMONT (AP) — The judge who ordered James Davis Autry to die by injection Friday says he doubts the execution will come off as scheduled.

State District Judge Leonard Giblin, who ordered Autry put to death Dec. 17, said Monday that he expected a stay would be issued

Read the article and determine what court would hear the case.

Dallas officer is fired, charged in drug case

DALLAS (AP) — A five-year veteran of the Dallas Police Department was fired after officers arrested him at his home and charged him with possession of amphetamines.

The drug charge, a Class A misdemeanor, carries a maximum penalty of one year and a $2,000 fine.

Which court heard this death penalty case the first time? To which court was it appealed?

2 San Marcos moms held in shoplifting

BURNET — Two San Marcos mothers were charged with felony theft Friday in what Burnet police said was a shoplifting spree in eight clothing stores in Burnet and M[illegible] Falls.

Burnet Police Sgt. Bill Jung said the women told police they had collected more than $1,500 worth of men's, women's and children's clothes as Christmas presents.

Is this a felony or misdemeanor? Which court would hear this case?

Settlements approved in teeth-staining case

DALLAS (AP) — U.S. District Judge Robert Hill has approved settlements awarding $6,000 to each of four teen-agers whose teeth were stained permanently from use of the antibiotic tetracycline.

The cases were the last of 58 lawsuits to be settled with the manufacturers and distributors of tetracycline, attorneys for the plaintiffs said Monday.

The antibiotic, when used by pregnant women and children younger than 8, can cause the teeth to appear yellowish-gray, according to the suits and warnings issued by the U.S. Food and Drug Administration.

Is this a civil or a criminal case? Which court would hear the case?

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GOVERNING TEXAS - AN OPPORTUNITY TO PARTICIPATE

LESSON XXXVII

THE RIGHTS OF THE ACCUSED

I. OBJECTIVES

1) The students will discover that in cases involving criminal law the individual is guaranteed certain rights in the U.S. Constitution and the Texas Constitution. These rights give a person a fair chance to defend himself when the power of the state is opposing him.

2) The students will practice applying these constitutional rights by creating a statement of individual rights that might be used by the local police or sheriff when an arrest is made.

II. MATERIALS NEEDED

1) Handout #1, Amendments IV, V, and VI from the U.S. Constitution and Articles 9 and 10 from the Texas Constitution.

III. LESSON PLAN

1) Using Handout #1 the class can discuss the rights in criminal law guaranteed in the U.S and Texas constitutions. These rights result in procedures which provide a fair chance for the defendant and keep the government from over-reaching. Students may wish to compare the wording in the two constitutions.

2) Using the constitutional articles (especially U.S. Amendment VI and Texas Article 10), the students may formulate a statement of rights that might be read to a person arrested by the police and accused of commitiing a crime. The teacher may wish to note that such a statement would probably include: the right to have a lawyer present prior to or during any questioning; if the accused is unable to employ a lawyer, he or she has the right to have a lawyer appointed to consult prior to or during any questioning; the accusd has the right to remain silent and not make any statement at all, and be told that any statement made may and probably will be used as evidence against the accused person.

3) To complete the lesson the teacher may ask for a volunteer who would call the local police or sheriff and request a copy of the statement actually used by the local law enforcement agents. This may be compared with the statement the students have formulated.

LESSON XXXVII

THE RIGHTS OF THE ACCUSED

Handout #1 Continued

The U.S. Constitution:

AMENDMENT IV (1791).

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V (1791).

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI (1791).

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

The Texas Constitution:

§ 9. Searches and Seizures

Sec. 9. The people shall be secure in their persons, houses, papers and possessions, from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.
[Adopted Feb. 15, 1876.]

§ 10. Rights of Accused in Criminal Prosecutions

Sec. 10. In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself, and shall have the right of being heard by himself or counsel, or both, shall be confronted by the witnesses against him and shall have compulsory process for obtaining witnesses in his favor, except that when the witness resides out of the State and the offense charged is in violation of any of the anti-trust laws of this State, the defendant and the State shall have the right to produce and have the evidence admitted by deposition, under such rules and laws as the Legislature may hereafter provide; and no person shall be held to answer for a criminal offense, unless on an indictment of a grand jury, except in cases in which the punishment is by fine or imprisonment, otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia, when in actual service in time of war of public danger.
[Adopted Nov. 5, 1918.]

LESSON XXXVIII

HOW A CRIMINAL CASE IS HANDLED
A Lesson in 3 Parts
(Part 1)

I. Objectives

1) The student will be able to list steps in how the law handles a criminal case.

II. Materials needed

1) Case of Greer Griggs

III. Lesson Plans

1) Using a dictionary students will write a definition and a sentence for each of the following words:

felony

arrested

probation (See Lesson XXXIV in this section)

2) Distribute copies of the Greer Griggs case, handout #1.

3) Read section one of the case and discuss.

LESSON XXXVIII

HOW A CRIMINAL CASE IS HANDLED - PART 1
Handout #1
STATE OF TEXAS vs. GREER GRIGGS

FACTS OF THE CASE:

July 3, at 10:30 p.m., Patrolman Johnson, on routine patrol stopped a motorcycle for speeding. The motorcycle was traveling 50 mph in a 25 mph zone. As the officer approached the motorcycle he saw a young man and a young woman riding it. While asking to see the driver's license, Patrolman Johnson noticed that the motorcycle fit the description of a recently stolen vehicle. A routine check by police radio confirmed the fact that the motorcycle had been stolen earlier in the day. The driver was Greer Griggs, age 18, and the passenger was sixteen year old Brenda Barry.

HOW A CHARGE IS FILED:

The two young people were charged with the unauthorized use of a motor vehicle — a third degree felony. They were arrested, handcuffed, and taken to the police station. Greer, being 18, was taken through the adult process of fingerprinting and mugging. Since Brenda was only 16, she was turned over to juvenile authorities. Brenda spent the night in the juvenile detention ward. Brenda was released the next morning to her parents under the condition that she would appear before the juvenile judge. She was later placed on juvenile **probation** subject to several conditions.

Greer phones his home. This was his first experience in jail. He had never been in trouble before, and was to enroll at a University the next week. His Dad answered the phone.

Dad: Hello
Greer: Dad, I hate to wake you.
Dad: Greer! What's wrong? Were you in an accident?
Greer: No, but I've been **arrested** by the police. and I'm in jail.
Dad: Jail? What for?
Greer: I was driving a motorcycle that turned out to be stolen.
Dad: A stolen motorcycle. Why?
Greer: Dad,...Listen, I didn't know it was stolen. I was with Brenda. Her brother said it was hot, but that I could drive it.
Dad: Those Barry kids! No wonder!
Greer: Dad, they said bail is $1,000. What can we do?
Dad: O.K. son, I'll get help and be there in a few minutes.

Greer's father calls Herbert Newbe, an attorney, who goes to the jail and arranges for Greer's release on a personal bond (a promise that he will appear in court at the proper time and if he fails to do so, he'll pay the dollar amount of the bond.)

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LESSON XXXIX

HOW A CRIMINAL CASE IS HANDLED
(Part 2)

I. Objectives

1) Students will become familiar with a feature story as a type of article used in newspapers. They may wish to compare the definition of a feature story with that of a news story which is covered below and in the section on Reporting and Interpreting the News.

2) The students will attempt to write a feature story based on what they have learned about the Greer Griggs case in the preceding lesson.

II. Materials needed

1) Handout #1 on a feature story.

2) the material presented on the Griggs case in a previous lesson.

III. Lesson Plan

1) Ask students to read and discuss the information on a feature story Handout #1.

2) Using a handout or transparency refer back to the discussion on a news story, Lesson IX. Point out that a feature story may also include "news" and is then called a newsfeature. In general a straight news story deals with late-breaking news (something that just happened) and is written in a more formal style with the five W's — who, what, where, when and why — in the first several or lead paragraphs.

3) Using the material in the previous lesson on the Greer Griggs case, ask the students to write a feature or newsfeature story. Suggest that the students may wish to write the story based on one of the following:

a. An imaginary interview with Griggs on his impressions of his experience at the police station

b. An imaginary interview with Brenda Barry about events leading up to her arrest, for example, how and where did they find the motorcycle? Has she ever ridden on a motorcycle and does she think people who do should be required to wear motorcycle helmets?

c. A real or imaginary interview with the chief of police about the number of stolen motorcycles the department finds and his opinions on why they are stolen.

LESSON XXXIX

HOW A CRIMINAL CASE IS HANDLED — PART 2
Handout #1

A feature story in the newspaper deals with something other than late-breaking news. It is concerned with subjects of general or specialized interest and is written in a more literary style than news. It makes use of authoritative sources in interviews or from research by the writer. The feature writer has the freedom of style to be more than just informative, and may be persuasive, funny or satirical. A feature story is often entertaining.

Some feature stories, such as the one that follows, include information that is news, but the informal style and kind of the information gives it qualities of a feature story also. Journalists usually call this mixed breed a "newsfeature".

Pedaling cops ride down holiday-crime suspects

DALLAS (AP) — They look a lot like criminals, pedaling back and forth on shopping-mall parking lots.

But they're not. They're Dallas policemen.

Since Dec. 1, officers on the holiday shopping-center patrol squad have pedaled stiffly among the parked cars, looking for auto thieves, burglars, purse snatchers and other bad guys.

A computer marks the potential crime hot spots, and one of the undisclosed number of bicycle teams is dispatched.

"A lot of times you can tell by watching people what they're doing on the lot," said Bob Miller, 27, a three-year patrol-car veteran who volunteered for two-wheeler duty last month.

"We get very aware of people just hanging around a parking lot. If they're walking directly to a car, we don't pay much attention, but people walking between cars looking inside is enough to get our attention to watch them" he said.

Deputy Police Chief Jack Davis said statistics indicate crime is down in the areas patrolled by the pedaling policemen.

The officers work in teams, mostly to combat the cold. One circles the parking lot while the other warms up in the car.

"We've seen some aspects of crime that we miss from patrol cars," said Miller's partner, John Branton. "We've followed some persons around the lot, and they snap on us (identify them as policemen) and decide they're going to go somewhere else."

Miller and Branton said they made five arrests, including four for felony burglary of an automobile, in their first two weeks on the spokes.

Austin American-Statesman, December 26, 1980, B-4

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LESSON XL

HOW A CRIMINAL CASE IS HANDLED

(Part 3)

I. OBJECTIVES

1) The students will continue to follow the events that take place in a criminal case, using the material presented on the Griggs case in a previous lesson. The students will learn some ways in which an attorney functions in a criminal case.

2) The students will follow the procudures of the Examining Trial and the resolution of the case.

3) The students will examine a sample True Bill of Indictment.

II. MATERIALS NEEDED

1) Handout #1: The teacher will explain that the conversation between a lawyer and his client is considered confidential and private by the law. Neither a reporter or anyone else would have had the right to hear this conversation.

2) Handout #2: The Examining Trial.

3) Handout #3: Resolution of the case and sample True Bill of Indictment.

4) Handout #4: Basic Rights of a Person Charged with a Crime.

III. LESSON PLAN

1) The students will read and discuss Handout #1.

2) Using Handout #2 the teacher will raise the following questions after the class has read the material on the Examining Trial:

   1. Why was the case bound over to the grand jury?
   2. Why is all the testimony as to the actual theft "hearsay"?
   3. Why is there an examining trial?
   4. Why didn't Newbe cross-examine the officer?
   5. Why wasn't Greer put on the stand to answer questions at the examining trial?

3) Distribute and discuss Handouts #3 and #4.

4) The students will define conviction, grand jury, bailiff, counsel and prosecutor.

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XL

HOW A CRIMINAL CASE IS HANDLED — PART 3

Handout #1

Conferring with a Lawyer

Mr. Newbe: Come in, please have a seat. Greer, I understand that you have been charged with the unauthorized use of a motor vehicle.

Mr. Griggs: Yes, that's right, and I want you to represent him. Could you give us an estimate as to your fees.

Mr. Newbe: Certainly, Mr. Griggs. It will cost at least $1,000 to represent Greer in this matter.

Mr. Griggs: OK, I was hoping it would be less, but we want you to handle it.

Mr. Newbe: I realize this will cause your family some financial problems, but I hope you understand the seriousness of your son's situation. A felony theft conviction carries a sentence of two to ten years in prison and can follow Greer for the rest of his life. It could keep him from getting into college and cause him to lose basic rights as a citizen such as the right to vote — not to mention affecting future employment opportunities.

Greer: Brenda's brother said the motorcycle was hot, but I didn't steal it.

Mr. Newbe: Did you know it was a felony to knowingly possess a stolen motorcycle.

Greer: Not really.

Mr. Newbe: Ignorance of the law is no excuse. You were driving a hot motorcycle. Did you know it was stolen?

Greer: I couldn't be sure one way or the other.

Mr. Newbe: I can't promise you what will happen. I want you to write a narrative statement of facts while the incident is fresh on your mind. I'll get to work on our first step; that will be to request an examining trial.

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XL

HOW A CRIMINAL CASE IS HANDLED — PART 3

Handout #2

The Examining Trial

After meeting with Greer and Mr. Griggs, Mr. Newbe contacted the Justice of the Peace to request the examining trial. At an examining trial the state must establish probable cause that an offense has been committed. If the state fails, the case may be dismissed. (Otherwise the case will be referred to the grand jury. If the grand jury returns a True Bill of Indictment, Greer will be tried for the alleged offense.)

Greer was notified of the date set for the examining trial. The date arrives and Greer meets his attorney at the Courthouse. The bailiff calls Greer's case. Greer and Mr. Newbe take their seats at the counsel table. The prosecutor calls the arresting officer, his only witness.

Prosecutor: Please state your name for the records.

Officer: Charles Johnson.

Prosecutor: Your occupation.

Officer Johnson: I am a police officer.

Prosecutor: Did you have occasion to arrest the defendant Greer Griggs, on July 3, for excessive speed?

Officer Johnson: Yes, I did.

Prosecutor: After you stopped the motorcycle, what did you notice?

Officer Johnson: When I approached the driver, I saw the defendant, Greer Griggs, driving the motorcycle.

Prosecutor: Did you later determine the motorcycle was stolen?

Officer Johnson: Yes it had been reported stolen.

Prosecutor: (to the judge) No further questions, your honor.

Mr. Newbe: Officer, did you see the motorcycle being stolen?

Officer Johnson: No sir.

Mr. Newbe: From your own knowledge, do you actually know who stole the motorcycle?

Officer Johnson: No, sir.

Mr. Newbe: In fact officer, you don't know whether this defendant realized the motorcycle was stolen?

Officer Johnson: Greer said he didn't know whose motorcycle it was, and he was driving it without a key in the ignition. It had been hot wired.

The Judge: The case of the State vs. Griggs is bound over to the Grand Jury.

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XL

HOW A CRIMINAL CASE IS HANDLED - PART 3

Handout #3

Resolution of the Case

On August 15, the case of the State of Texas vs. Greer Griggs was presented to the grand jury.

There are 12 persons on the grand jury in Texas. The grand jury hears the case. Deliberation of a grand jury must be secret. At least nine of the twelve grand jurors must believe the evidence shows the accused is probably guilty and vote a true bill of indictment. If they find insufficient probable cause then they will return a "No Bill". In Greer's case the grand jury returned an indictment (See below).

Greer was later tried for unathorized use of a motor vehicle. There are twelve jurors in a felony case. In order for a jury to convict or acquit, the verdict must be unanimous. Greer was convicted of the crime but was placed on probation for a period of five years.

TRUE BILL OF INDICTMENT
(SAMPLE)

No 60,111 The State of Texas Vs. Greer Griggs

Indictment Bond $ $10,000

In The 147th Judicial District Court of Travis County, Texas

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY, for the County of Travis, State of Texas duly selected, empaneled, sworn, charged and organized as such at the August Term A.D. 19 80 of the 147th Judicial District Court for said County, upon their oaths present in and to said court at said term that

on or about the 12th day of July A.D. 19 80, and before the presentment of this indictment, in the County of Travis, and State of Texas, did intentionally and knowingly operate a motor-propelled vehicle owned by Joe Doe, without his effective consent,

against the peace and dignity of the State.

John Smith

Foreman of the Grand Jury

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LESSON XL

HOW A CRIMINAL CASE IS HANDLED PART 3

Handout #4

Basic Rights of a Person Charged with a Crime

Texas Crimes and Punishments[1]

Volumes could be written concerning Supreme Court decisions and other legal interpretations of the constitutional rights of a person accused of a crime. Since the basic purpose of this material is to illustrate the manner in which a case is processed and what acts constitute a crime, only a brief explanation of the more basic rights will be mentioned here:

1: RIGHT TO COUNSEL — Every person charged with a crime has the right to hire a lawyer of his choice. If a jail sentence is possible, any person who cannot afford a lawyer will have a lawyer appointed by the court, his attorney may be present at all stages of the investigation.

2: RIGHT TO BE NOTIFIED OF THE CHARGE — Every person has the right to have the criminal charge (indictment, information, or complaint) against him specified in clear and understandable language so that he might properly prepare his defense.

3: RIGHT OF INDICTMENT BY A GRAND JURY — Although in some states an individual may be charged by information prepared by the District Attorney, in the state of Texas, an indictment by a grand jury is required for all felony offenses unless the defendant chooses to give up this right.

4: RIGHT TO JURY TRIAL — Everyone has the right of trial by jury, and the Texas Constitution requires a unanimous verdict by all twelve (or six) jurors.

5: RIGHT TO BE CONFRONTED BY WITNESSES — Every accused person has the right to be confronted in open court by witnesses. This includes the right to examine or cross-examine the witnesses in accordance with the rules of evidence.

6: RIGHT TO BAIL — A bail bond (or an appearance bond) is a contract in which one makes certain promises such as to appear in court for trial. If the conditions are not met, the person and his bondsman will forfeit a particular sum of money (the bail). Every individual, except those charged as habitual felons (persons who have already been convicted and served time for two other separate felonies) or those charged with capital offenses where the death penalty will probably be given, has the right to make bail. Bail is set in accordance with the seriousness of the crime and the person's ability to make bail.

7: RIGHT AGAINST UNREASONABLE SEARCHES AND SEIZURES — No one can have his person, his home, place of business or other place where he has a reasonable expectation of privacy, searched unless he gives consent, or unless a judge issues a search warrant based on probable cause justifying the search, or unless there are circumstances justifying failure to get a warrant.

8: RIGHT AGAINST DOUBLE JEOPARDY — No person shall be tried twice for the same criminal act.

9: RIGHT AGAINST SELF-INCRIMINATION — No person shall be forced to give evidence against himself. A suspect has to be warned of his right to remain silent and of his right to a lawyer prior to making any statement. A suspect must also be warned that any statement he does make can be used against him.

10: RIGHT OF HABEAS CORPUS — Anyone held in custody has the right to be brought before the court so that the court can determine if he is being legally held. This is a safeguard against illegal detention in jail.

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[1] *"Texas Crimes and Punishments" Carol Vance, (Texas District and County Attorneys Association, Harris Co. Tx., n.d)*

LESSON XLI

TEXAS CRIMES AND PUNISHMENTS

I. Objectives

1) Students will become familiar with examples of provisions from the Texas penal code.
2) Students will understand how the law prescribes more serious punishments for more serious crimes.
3) Students will classify newspaper stories according to the kind of crime described.

II. Materials needed

1) Handouts #1 and #2

III. Lesson Plan

1) Read and discuss Handout #1 with students then allow them to classify the examples given in Handout #2.

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LESSON XLI

TEXAS CRIMES AND PUNISHMENTS

Handout #1

The State of Texas has a Penal Code which tells us which acts are criminal, how serious these offenses are, and what the range of punishment is for the crimes listed in the code. *Felony* crimes are much more serious than misdemeanor crimes, and the range of punishments reflects this difference:

GENERAL PENALTIES

OFFENSE	*PUNISHMENT*
Felonies:	
Capital Felony	Life or Death
First-degree Felony	Life or 5 to 99 years
Second-degree Felony	2 to 20 years and optional fine not to exceed $10,000.
Third-degree Felony	2 to 10 years and optional fine not to exceed $5,000.
Misdemeanors:	
Class A misdemeanor	Fine not to exceed $2,000 and/or one year or less
Class B misdemeanor	Fine not to exceed $1,000 and/or 180 days or less
Class C misdemeanor	Fine not to exceed $200

This chart applies only to first offenders. Second offenders are generally subject to the next higher category in felony cases and increased penalties for misdemeanors. Habitual criminals (2 previous felony convictions) are subject to life imprisonment for a third felony conviction.

Many matters are covered by the code, including sex offences, weapon laws, gambling, disorderly conduct and many other areas.

As an example of the kind of crimes and punishments prescribed in the Texas Penal Code, we will examine three of the kinds of offenses against property: robbery, burglary and theft.

LESSON XLI

TEXAS CRIMES AND PUNISHMENTS

Handout #1 (continued)

Robbery is defined as theft from a person by force or threats. The value of the property is not considered in determining whether or not a robbery has taken place. Robbery which simply involves threats against the victim is a seond-degree felony. When a weapon is involved or the victim is seriously injured, this is a first-degree felony, a more serious crime.

Burglary is a second-degree felony which occurs when a person enters a building intending to commit a felony, or theft. Burglary becomes a first-degree felony when a home is entered, when the burglar has a weapon, or where injury is intended. A burglar can be guilty of two separate crimes, burglary and theft; *burglary* is entering the property with intent to steal and *theft* is taking something without the owner's consent.

Theft is taking or keeping something that is not yours. Receiving stolen property from another person who did the stealing is also theft.

All thefts are not treated alike. The penalty increases with the value of the property taken:

Value of Stolen Property	*Category of Offense*
0-less than $5.00	Class C misdemeanor
$5.00–less than $20.00	Class B misdemeanor
$20,000–less than $200.00	Class A misdemeanor
$200.00–less than $10,000.00	Third-degree felony
$10,000 or more	Second-degree felony

GOVERNING TEXAS - AN OPPORTUNITY TO PARTICIPATE

LESSON XLI

TEXAS CRIMES AND PUNISHMENTS

Handout #2

East Austinite charged

By JERRY WHITE
American-Statesman Staff

Aaron Washington, who police said lives at 2920 E. 16th St. in East Austin, was arrested at 2:30 p.m. Tuesday.

Washington is accused of being one of two men who Friday went to Bill Munday Pontiac, at 8107 Research Blvd., and asked to drive a new, four-door pickup truck.

The 34-year-old salesman got into the passenger seat of the truck, one of the men drove and the other got into the back seat.

After 30 minutes, the salesman told the driver how to get back to the car dealership. The driver refused to return to the dealership and the other man in the back seat cocked a nickel-plated pistol and pointed it at the salesman's head.

The three men drove east on U.S. 290 and stopped along the road just outside Austin city limits.

The two bandits took the salesman's watch and $3 out of his wallet and told him that he was going to be killed.

About that time, the two were distracted by a Department of Public Safety patrol car and the salesman jumped out of the car and ran.

The two men drove east on U.S. 290 and the salesman called police.

The salesman was taken to police headquarters where he picked Washington's picture out of a photo lineup.

The second man is still at large.

Job applicant suspected of stealing test

By MIKE COX
American-Statesman Staff

A man suspected of running from an Austin nursing placement office with a copy of a preemployment screening test has been charged with felony theft of trade secrets.

The complaint was filed when a man entered the Good Samaritan Nursing Service at 3724 Jefferson St. Thursday to apply for a temporary job as a nurse.

Susan Sanders, owner of the company, said the man was given an application and the screening test. She told police the test cost her firm $5,000 to develop.

A short time after receiving the application and test, the man ran out the front door with both documents, Sanders told Sgt. Joel Thompson III.

Sanders and a business partner, Rose Davis, chased the man in their car, but lost him after noting the license plate number of his car. Police checked the registration and Sanders and Davis later identified the driver.

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LESSON XLI

TEXAS CRIMES AND PUNISHMENTS

Handout #2 (continued)

10 arrested in burglary ring

AMARILLO (AP) — The breakup of a two-state burglary ring has resulted in 10 arrests and the recovery of more than $325,000 in stolen property, and police say they expect more arrests.

Potter County Sheriff T.L. Baker said all 10 people are from Amarillo. They were arrested in El Paso, Fort Worth, Amarillo, Panhandle and Albuquerque, N.M.

"It was a pretty extensive operation. They were going after anything they could get their hands on," Baker said.

Using the definitions of *burglary, robbery* and *theft* contained in Handout #1, and the range of punishments given for each crime, determine the following for the crimes described in the news stories on the handout:

- Is the crime described robbery, burglary or theft?
- Is the crime a misdemeanor (which class) or a felony (which degree)?
- What is the range of punishments for the crime described?

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LESSON XLII

SERVING ON A JURY

I. Objectives

1) Students will become familiar with the method of jury selection.

2) Students will become familiar with the duties and responsibilities of jurors.

3) Students will understand the serious nature of the work jurors have to do.

II. Materials needed

1) Handout #1, an introduction to jury duty.

2) Handout #2, a newspaper article about a jury for a criminal trial.

3) Transparency of jury summons.

III. Lesson Plan

1) Read handout #1 with students. Many students will know of an adult who has served on a jury. These experiences may be shared with the class.

2) Read Handout #2 with students. For discussion:

   1. What crime was being tried in this case?

   2. What was the jury's verdict?

   3. "Ten of the jurors wept openly while the verdicts were read." Harrelson says this showed they had doubts about their verdict. Can you think of other reasons for the weeping?

   4. What evidence is presented in this news story that jury duty is very serious business?

3) Study the transparency of a jury summons. Why would attorneys want to know the information called for?

4) Teachers may wish to invite a local criminal attorney to speak to students on the process of jury selection.

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XLII

SERVING ON A JURY

Handout #1

An Introduction to Jury Duty

Why is jury duty important?

Jurors take part in the work of our system of justice which settles disputes between people and tries criminal acts. Members of a jury, working together, should be able to come to a wise and fair decision in a court case. Although it is often inconvenient for jurors to leave their homes, jobs and families in order to serve, the right to a trial by jury is one of the principles our American system of justice is founded upon. Therefore, serving on a jury is both a duty and a privilege.

How are jurors chosen?

A list of qualified jurors is chosen at random from official tax lists and registration lists.

A prospective juror receives a *summons* in the mail which requires him to appear in court. Upon appearing in court, certain persons may be excused from service because they do not qualify. For example, a person who is not a United States citizen would be immediately disqualified. Other prospective jurors are excused because of emergencies or hardships such as serious illness in the family. Business reasons are not accepted as an excuse in most cases.

Those persons who remain after others are disqualified or excused constitute the jury panel. From this rather large group of persons, a jury is selected for a specific trial. Attorneys for both sides of the case question members of the jury panel. They want to make sure that no prospective juror has prior knowledge of the case being considered. Many other matters are discussed as the attorneys try to find a group of people who will try the case fairly.

The lawyers for both sides and the judge then work together to select the jury. A typical procedure occurs when the attorneys for each side each choose six members of the jury, for a total of twelve.

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LESSON XLII

SERVING ON A JURY
Handout #1 (continued)

What instructions are given to jurors?

Among other instructions, members of a jury are likely to be told the following:

1. Not to talk about the case with anyone involved in it.
2. Not to discuss the case with family, friends or acquaintances.
3. Not to discuss the case with other jurors until all evidence has been considered.
4. Not to investigate the case themselves, but rather to rely on evidence presented in court.
5. To avoid hasty judgment and to consider all evidence carefully.
6. To follow all instructions of the court.
7. The juror must never agree to a verdict which violates the instructions given to the jury by the court.
8. The juror must never agree to a verdict which finds as a fact something which he believes to be untrue.

What are the benefits of jury service?

If you perform your duties as juror conscientiously, you will derive lasting benefits from your service.

You will have observed more about the judicial branch of your government.

You will have played an important part in seeing that justice was done.

You may have had an opportunity to play a leading role in a real life drama.

You will have strengthened the faith of all people in our form of government by exemplifying the reality of liberty under the law.

(From *A Handbook For Jurors*, State Bar of Texas.)

LESSON XLII

SERVING ON A JURY

Handout #2

Hitman says jurors' tears shows they had doubts

SAN ANTONIO (AP) — Convicted hitman Charles V. Harrelson says he felt compassion for the jurors who found him guilty of assassinating U.S. District Judge John H. Wood Jr. on May 29, 1979, but still contends the government charged the wrong man.

In a 45-minute news conference Wednesday at the Bexar County Jail, Harrelson reiterated his allegations that "rogue elements of an agency of the U.S. government" — not Harrelson — killed Wood.

But jurors did not believe Harrelson's seven days of testimony after prosecutors presented a strong circumstantial case, calling 105 witnesses and introducing more about 300 exhibits during 40 days of trial.

Ten of the jurors wept openly while the verdicts were read Tuesday against Harrelson, his wife, and another woman. "Obviously, they had some doubt," he said.

FBI investigators placed Harrelson, 44, at the motel nearest Wood's San Antonio townhome the evening before the killing, his wife's car at the airport during a time Harrelson allegedly was "stalking" Wood, and showed that Jo Ann Harrelson purchased the alleged murder weapon 12 days before the killing.

Wednesday, Harrelson continued to protest he also was "set up" in both a February 1980 weapons arrest and the July 1968 hired killing of a Texas grain dealer, for which he was convicted and served a 15-year sentence.

"I never killed anybody, period," he told reporters in the jail chapel. "I don't think anybody was deserving of being murdered."

Mrs. Harrelson, 41, and Elizabeth Chagra, 28, were convicted by the same jury on lesser offenses and will be sentenced by U.S. District Judge William S. Sessions along with Harrelson on March 8, 1983.

Mrs. Chagra is the wife of Jimmy "Jamiel" Chagra, the convicted narcotics smuggler who is charged with paying Harrelson $250,000 to shoot Wood in the back. Chagra, 39, will be tried for murder Jan. 10.

Harrelson said many questions will continue to be asked about Wood's killing, just like suspicions still surround the 1963 assassination of President John F. Kennedy.

"It is not going to die even if I do die, even if I'm killed," Harrelson said. "Death doesn't bother me, not at all. It's something I'm not preoccupied with."

But he said he does worry some youngster might try to pattern his life after Harrelson. "One of my greatest fears is that some kid sniffing glue, a 15-to 16-year-old kid, might romantacize and try to emulate what he thinks I am," Harrelson said.

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XLIII

JUVENILES AND THE LAW

I. Objectives:

1) The students will become familiar with the rationale for establishing the juvenile justice system.

2) Students will become familiar with the organization of the Texas Juvenile Justice System.

II. Materials Needed

1) Handout #1–"Jane Addams to Ponch: 'We Give Kids a Second Chance.'"

2) Handout #2 on the Juvenile Court by Bryan Rudy

3) Handout #3–"Tour the Juvenile Justice System."

III. Lesson Plan

1) Read Handout #1 with students. The discussion questions may be used as a stimulus for class discussion or debate, essay writing and also independent research.

2) Handout #3 directly reinforces the information presented by Bryan Rudy in Handout #2. These two handouts would be used well together.

LESSON XLIII

JUVENILES AND THE LAW

Handout #1

JANE ADDAMS TO PONCH: "We Gave Kids a Second Chance"[2]

A "child-saver" tells how and why the world's first juvenile court began–in 1899.

What might a reformer from last century teach us about juvenile justice today? To find out, we brought together Jane Addams . . . and two TV cops. We got them talking about kids who get in trouble with the law.

What did we learn? That the problem of finding a fair way to deal with young lawbreakers isn't new. Jane Addams, who actually lived (1860–1935), wrestled with the problem more than 80 years ago.

(After work one day, Frank Poncherello and Jon Baker of NBC-TV's "CHiPs" talk.)

Ponch: Jon, you're not going to believe who I just saw. Remember that kid we arrested last week?

Jon: The one who robbed the old lady for her social security check? You mean he's back on the street?

Ponch: Yup. The juvenile court judge put him on probation and told him to stay in school.

Jon: It doesn't seem right. If he were an adult, he would have been tried in criminal court. Any judge there would have put an adult right in jail.

Ponch: I know. I wonder if the people who dreamed up the idea of special courts for kids knew what they were doing.

(Suddenly, a woman about 40 years old apears. She's wearing an old-fashioned dress.)

Jane Addams: I beg your pardon. We certainly did know what we were doing. We were giving kids a second chance.

Jon: Say, who are you?

Addams: My name's Jane Addams. With other social workers, I helped set up the world's first juvenile court in 1899.

Ponch: There were social workers back then?

Addams: There certainly were. And I trained a lot of them in Chicago, at Hull House. A friend and I set up Hull House in 1889. It was one of the nation's first settlement houses.

Jon: Settlement house?

Addams: You might call it a neighborhood center. Young people set up a number of them in city slums. We wanted to help end the suffering we saw there, especially among newcomers to the U.S.

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LESSON XLIII

JUVENILES AND THE LAW

Handout #1 (continued)

Jon: What did you do for children at the settlement house?

Addams: for one thing, we fought to get parks and playgrounds in Chicago. At Hull House, we ran art, cooking and sewing classes for the girls. The boys like the sports and crafts programs.

Ponch: No disco?

Addams: We had dances. But adults watched them carefully. No close dancing, no alcohol! You see, we had to be like parents to the children. Working parents scarcely saw their children. Adults worked 10 hours a day, six days a week!

Ponch: What happened to a kid who got arrested?

Addams: In those days? It was terrible. Both boys and girls were jailed with adult criminals—before and after trials.

Jon: And you changed this?

Addams: Yes, we did. A group of us went about collaring lawmakers, getting them to see our way. We didn't want wayward children treated like criminals.

Jon: But shouldn't kids be punished for breaking the law—the way adults are?

Addams: I don't think so. You can't hold all children responsible for everything they do. In Illinois, we set the age of responsibility at 18 years. Other states set it at age 16 or 17.

Ponch: You set up a special court system for juveniles–people below those ages?

Addams: We got Illinois lawmakers to set up the Cook County Juvenile Court in Chicago.

Jon: How did it work?

Addams: Juvenile court judges were told to act as "wise parents" to wayward children.

Ponch: To do a job that the juvenile offender's real parents may have failed at?

Addams: Yes. We didn't want young lawbreakers branded "criminals". We called them "delinquents." Judges were given the power to decide the best way to set delinquents on straighter paths.

Jon: But who's to say that all juvenile court judges are wise enough to do that?

Addams: The judges were given help, of course. Social workers, teachers, probation officers—all were part of the plan. Still, some judges are bound to make wiser decisions than others.

LESSON XLIII

JUVENILES AND THE LAW

Handout #1 (continued)

Ponch: Some people today say that bad judgment on the part of court officials weakens the whole juvenile justice system. Too many kids need help, and there are just too few wise people to do the helping.

Addams: That saddens me. Still, I'm sure the system has more strengths than weaknesses. Imagine what it replaced! Last century, young lawbreakers were treated like hardened criminals!

Ponch: Jon, I guess that's why the kid we arrested is back on the street. Someone wanted to give him another chance.

Addams: Well, someone,—a probation officer, at least—ought to be working with him, to help him find the right path.

Ponch: That's a tall order, Miss Adams. What if a kid doesn't want to find the right path?

Addams: You show it to him. That's what the juvenile justice system was set up to do. If it doesn't work, you can't blame the child.

DISCUSSION

1. How is the juvenile justice system supposed to protect young people?
2. Critics of the juvenile justice system say that young lawbreakers do not take breaking the law seriously because of the special treatment they receive in juvenile court. How do we find a balance between "giving kids a second chance" and protecting society from young lawbreakers.
3. Do you agree with the idea that if the juvenile justice system doesn't work, "You can't blame the child"? Explain your answer.

Children in Texas may find themselves in court for prohibited conduct which occurs when they are ten years of age or older, but under seventeen years.[10] If that conduct was very serious and occurred

GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XLIII

Handout #2
JUVENILE COURT
BY BRYAN RUDY, REFEREE
TRAVIS COUNTY JUVENILE COURT

Judicial treatment of youthful offenders of the law has evolved in a way which reflects society's changing attitudes toward youth. From colonial days when children were treated as mere property of their parents, courts now view the children who come before them as people with most of the same important constitutional rights as adults. That evolution is helpful in understanding current Texas law respecting juveniles.

What is Juvenile Court?

Children in Texas may find themselves in court for prohibited conduct which occurs when they are ten years of age or older, but under seventeen years. If that conduct was very serious and occurred when the child was age fifteen or older,[3] the juvenile court may, after a hearing, transfer the child to an adult criminal court to be prosecuted as an adult for that act. Otherwise, the juvenile court will decide whether the child committed "delinquent conduct" or "conduct indicating a need for supervision." These terms are used in juvenile court rather than "guilty" or "innocent". If that conduct, were it committed by an adult, is punishable by a jail or prison sentence, or if it violates a juvenile court's order, then the child may be found to be a delinquent child.

Other conduct such as truancy from school, running away from home, driving while intoxicated or under the influence of drugs, paint or glue sniffing, violations of city or county ordinances, or violations of laws punishable only by fine if committed by an adult, may result in the child being found to be in need of supervision.

When a child is taken into custody, the seriousness of his conduct may determine what will happen. The child may be released directly to a parent following a minor offense; referred to a juvenile probation officer for "informal adjustment" without going to court; or for a more serious offense the child might be placed in a juvenile detention facility. If the child is detained, a hearing before the judge must be held within 48 hours to determine whether the juvenile should be released or detained. This is called a "Detention Hearing." Some of the reasons a judge may detain a juvenile are that the juvenile may run away and not return to court when required; that suitable supervision is not being provided by the juvenile's family; or that the juvenile is accused of committing a felony and may be dangerous.

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[3] *If a child under 10 commits a major crime, the state may attempt to have the child declared "neglected" under the Texas Family Code and placed in the custody of a child welfare agency such as the Department of Human Resources.*

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LESSON XLIII

Handout #2 Continued
JUVENILE COURT
BY BRYAN RUDY, REFEREE
TRAVIS COUNTY JUVENILE COURT

The second hearing for a child referred to juvenile court is an "Adjudication Hearing." The prosecutor will have filed a petition stating the specific conduct the juvenile is alleged to have committed. The issue at the adjudication hearing is whether or not the juvenile committed that alleged conduct. In most respects this hearing is similar to an adult criminal trial and the juvenile has the same constitutional rights as an adult. If the prosecutor's allegations are not proved nothing further will happen in Court. If the allegations are proved, a third hearing, called a "Disposition Hearing" is held.

At this hearing the judge must decide what to do with the juvenile. The judge may receive evidence from witnesses for the child, as well as written reports from a court investigator or caseworker to help him make his decision. The written report may include school attendance records, grades, school discipline records, and family information. The Judge can decide to place the juvenile on probation at home or at some place other than home. If the juvenile was found to be a "child who has engaged in delinquent conduct" then the judge can commit the juvenile to the Texas Youth Council, with facilities ranging from half-way houses to maximum security institutions.

If the prosecutor wishes to have a child tried as an adult for conduct committed when the child was fifteen or older, a "Transfer Hearing" (also called a "Certification Hearing") will be held. At this hearing the judge considers many factors such as the seriousness of the offense, whether the offense was against persons or property, the maturity of the juvenile, the record and history of the juvenile, etc.

How Juvenile Proceedings Differ from Adult Criminal Proceedings

Although a juvenile proceeding is governed by rules of civil rather than criminal procedure, children have constitutional rights to have a lawyer represent them, confront and cross-examine witnesses, remain silent, and to have all other protections to assure them a fair trial. Children are not "convicted" of a "crime"; they are not detained in the same facilities as adults; their trials may be closed rather than open to the public; their records are not available to the public; and their juvenile record may not be used against them in the future in the same manner as an adult's. All this is intended to give them the same protections as the Constitution gives an adult while at the same time recognizing the unique needs of young people.

LESSON XLIII

Handout #3

TOUR THE TEXAS JUVENILE JUSTICE SYSTEM

How do many juvenile courts work? Let's follow the case of Sally M., a teenager who has just been stopped leaving a store.

A guard finds a bracelet in her coat-pocket. The price tag for $105 is still on it.

The store owner calls the police. Sally has begun a trip through the juvenile justice system.

Using the flow chart on this page—and the questions—take that trip with her.

1. When the police arrive, Sally is put (a) in detention; (b) under arrest; (c) inside an ambulance.
2. Next, Sally is brought to the police station. Her parents are called. They learn that, because the bracelet costs so much, the police can't just give Sally a stiff warning and (a) put her on probation; (b) release her without further action; (c) put her in jail. Sally will have to go to a hearing.
3. How will Sally's case be heard? Should she be tried in adult criminal court? Or will a juvenile judge hear her case? This is decided in the next step, at the (a) detention hearing; (b) police station; (c) community agency. In most states, teenagers are tried as adults in criminal court only if their crimes are violent. So, Sally's case will be heard in juvenile court.
4. The juvenile court judge talks to Sally and her parents. If he decides that Sally didn't steal the bracelet, he might (a) give her the bracelet; (b) put her on probation; (c) dimiss the charges and release her.
   But Sally admits that she took the bracelet on a dare.
5. The next step for Sally is (a) Texas Youth Council; (b) a disposition hearing; (c) probation. Here, social workers help the judge decide how to help Sally.
6. To dispose of Sally's case, the judge has several choices. They include releasing her to (a) her family; (b) the Texas Youth Council (c) a community social agency (d) either a, b or c.

DISCUSSION

1. If you were the judge, how would you dispose of Sally's case? Explain.
2. If Sally had been caught stealing before, would you change your answer to the first question?

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LESSON XLIV

JUVENILES AND THE LAW - PART 2

I Objectives

1) The student will know the rights an accused juvenile has under the juvenile justice system.

2) Students will understand the roles played by participants in a juvenile hearing.

II. Materials Needed

1) Handout #1, on In Re Gault and juvenile rights.

2) Handout #2, article by Judge Michael Schless.

3) Transparency of Texas juvenile courtroom.

III. Lesson Plan

1) Using handout #1, discuss the importance of the Gault case and due process of law.

2) Read and discuss the article by Judge Schless. Using the transparency, locate the participants in a Juvenile hearing.

3) Divide the class into groups representing the participants in Judge Schless' hypothetical case: the juvenile, the lawyer representing the juvenile, the prosecuting attorney, the record store owners, and the judge. In the article, Judge Schless discusses each participant's role in the case and proposes some possible courses of action for each. Have each group study the section of the article with their participant and then ask them to prepare a statement to the court based on what they have read. Ask each group to select someone to play the role assigned to their group and read the statements to create a mock hearing. Students in the group representing the judge may wish to delay preparation of their statement until after they have heard the other participants.

LESSON XLIV

Handout #1
JUVENILES AND THE LAW
In Re Gault

In 1964, a fifteen year old boy named Gerald Gault was arrested and charged with making obscene remarks on the telephone. Gault was found "delinquent" and given a six year sentence in the State Industrial School.

Gault's parents protested the decision. They believed that their son's rights had been denied.

The Gault's appealed the case on the following grounds:

- They were not immediately informed of their son's arrest.
- Gerald was never informed of his right to remain silent.
- Gerald was not given his right to counsel.
- Written charges were never received either by Gerald or his parents.
- Written records were not kept at the hearing.
- The woman who received the telephone call never appeared as a witness.
- Gerald's sentence was stiffer than that which would have been given an adult.

The Gault case was argued before the U.S. Supreme Court in 1967. The Supreme Court revised the decision ruling that the due process clause of the 14th amendment of the U.S. Consititution applies to juveniles as well as to adults.

Today, because of the Gault case the juvenile justice system must observe due process. Thus, as the adults, juveniles have:

- The right to be told that he may have an attorney.
- The right to be notified in writing of the charges against him.
- The right to remain silent.
- The right to confront and cross examine witnesses against him.
- The right to appeal the court's decision.

In addition an accused juvenile has these rights:[4]

1) To have his parents called right away.
2) To be moved from police custody to juvenile probation if more time is needed to learn the facts in the case.
3) To privacy. No one can talk about his record, and no one can see the record unless he, his lawyer, and his parents ask the judge to let them.
4) To request the court to seal his record, under certain conditions.
5) To be read his rights.

[4] *These five rights were adapted from "Youth and the Law" published by the Children's Council, Galveston County, Texas, May, 1979, funded by The Galveston County Young Lawyers Association.*

GOVERNING TEXAS - AN OPPORTUNITY TO PARTICIPATE

LESSON XLIV

JUVENILES AND THE LAW - PART 2

WHOM DOES THE JUVENILE JUSTICE SYSTEM SERVE?

BY JUDGE MICHAEL SCHLESS, COUNTY COURT AT LAW #3

Handout #2

The effectiveness with which the Texas juvenile justice system works may be a function of how well it responds to the needs of those who are affected by it. Many decisions must be made by the participants in any juvenile case and each case has its unique challenges.

To illustrate, assume a sixteen year old is accused of committing burglary. He gives a written statement to the police in which he confesses his participation in the offense. Because the statement was not taken in compliance with one or more of the technical requirements as stated in Section 51.09 of the Texas Family Code, its use as evidence against the juvenile is highly questionable. Assume further that the items stolen were stereo albums and that the victim of the burglary was a large discount record store. The parents of the juvenile are divorced and the father has not paid child support for some time.

Let's look at the different viewpoints of the participants in a hypothetical case as we try to evaluate how the system does or doesn't work.

The juvenile's constitutional rights might best be protected if the written confession is not used as evidence of guilt, if it was obtained in violation of those rights. If, however, the confession is not used and there is not other sufficient evidence, then this self-admitted burglar will be released from the system. Thus, the question arises as to whether the protection of this juvenile's constitutional rights outweighs the need to deal with the possible causes of this offense; to prevent this juvenile from committing a like, or even worse, offense; or, to protect the victim and the community.

The lawyer who represents the juvenile has a duty to protect the rights of the accused. This may best be done by seeking to have the improper confession suppressed or omitted as evidence. However, that lawyer also has a duty to serve the best interest of the juvenile. If the juvenile is released from the system, how can the lawyer deal effectively with the juvenile's personal or family problems which could influence future behavior or contact with the police? Should the lawyer overlook the "technicality" in order to obtain for his client the help of community resources which might only be available if the juvenile remains in the system? Is it appropriate for the lawyer to substitute his judgment for that of the juvenile's parents? Or should the lawyer stand upon the rights of the client and ignore the client's behavior or problems?

The State is represented by the prosecuting attorney. The prosecutor probably knows that the juvenile law in Texas is a peculiar combination of criminal and family law, and that while many lawyers practice either criminal or family law, relatively few are experienced in the unique area of juvenile law. The prosecutor is probably aware that a confession obtained in compliance with the rights of an adult may still be improper for use in a juvenile case if some unique technical require-

LESSON XLIV

JUVENILES AND THE LAW - PART 2

WHOM DOES THE JUVENILE JUSTICE SYSTEM SERVE?

BY JUDGE MICHAEL SCHLESS, COUNTY COURT AT LAW #3

Handout #2 Continued

ments are not satisfied. Knowing all of this, should the prosecutor seek to use a confession against the juvenile, hoping that the defense lawyer is ignorant of those technicalities and that the lawyer will fail to object to its use? On the other hand, should the prosecutor overlook the confessed guilt of the juvenile and tell the victim and community they cannot be protected by the juvenile justice system? Should the prosecutor decide to take a chance and not use the confession, but put the juvenile to trial on other evidence which will not support a finding of juvenile delinquency in the hopes that the defense lawyer fails to object or that the judge will rule for the State by mistake or oversight?

The record store is the direct victim of this offense. If the juvenile is not required to pay for the items stolen, the store may have to raise its prices in order to cover the loss. If that is the case, then everyone who has to pay a higher price for records becomes an indirect victim. Thus, if the confession cannot be used and the juvenile is not required to pay for the loss, the victim and the community will have suffered to some degree. The record store may be a big wealthy operation which can afford to suffer the loss of a few stolen albums, but should this fact determine how this case is dealt with in the judicial system?

Would it be appropriate for the judge to say to the juvenile, "We know you committed this offense because you admitted it. But the State cannot prove the case without the confession and I cannot let the State use the confession because it was not properly obtained. Therefore I will let you go if you first agree to pay the store for the records you stole"? Would you respond differently if the stolen items were expensive stereo components rather than some records? Would this statement from the judge be more appropriate if the juvenile came from a wealthy family rather than a poor one? How would your answers change if, instead of burglary, the offense committed was murder?

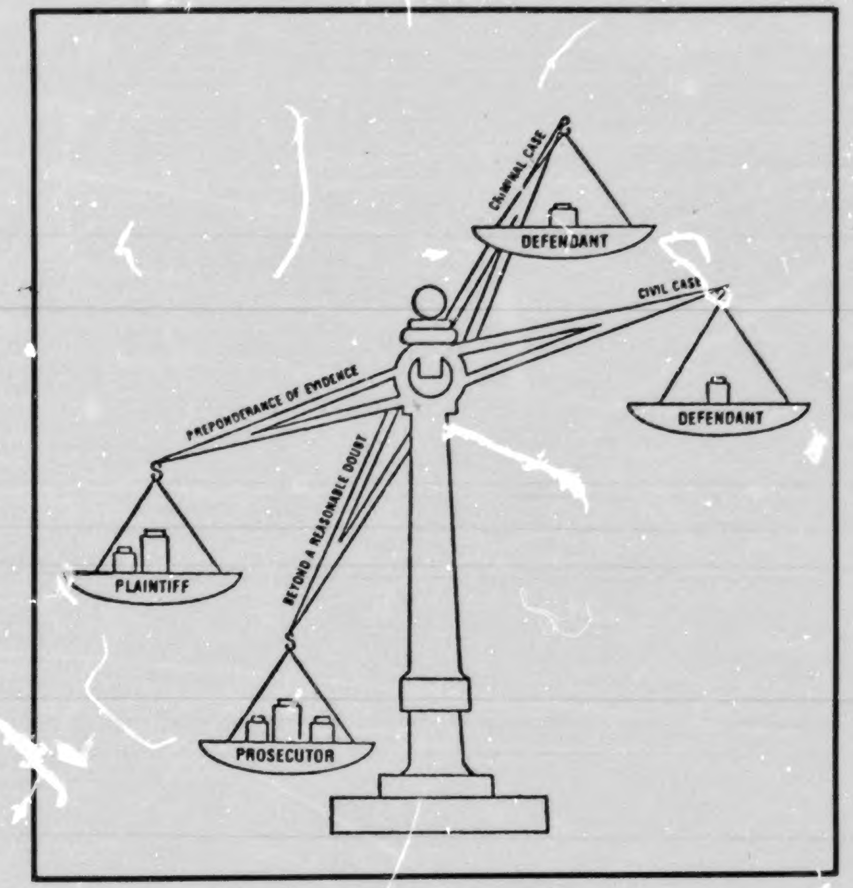
Few of the questions raised here have easy answers. Furthermore, answers which may be right from the perspective of one participant in this system may be inadequate for another. Each of these questions, however, raises issues of genuine daily concern to the juvenile justice system. What changes would you make to improve it?

LESSON XLIV

JUVENILES AND THE LAW - PART 2

Handout #2 (continued)

WEIGHING THE EVIDENCE


CRIMINAL CASE
DEFENDANT
CIVIL CASE
DEFENDANT
PREPONDERANCE OF EVIDENCE
BEYOND A REASONABLE DOUBT
PLAINTIFF
PROSECUTOR

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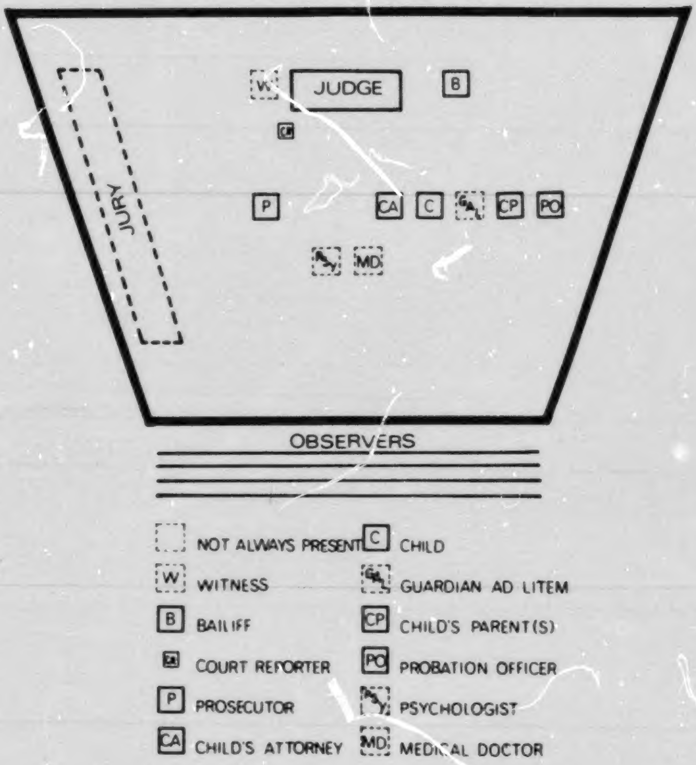
LESSON XLIV JUVENILES AND THE LAW - PART 2

Handout #3

JUVENILE COURTROOM [5]


JURY
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COURT REPORTER
P PROSECUTOR
CA CHILD'S ATTORNEY
C CHILD
GUARDIAN AD LITEM
CP CHILD'S PARENT(S)
PO PROBATION OFFICER
PSYCHOLOGIST
MD MEDICAL DOCTOR

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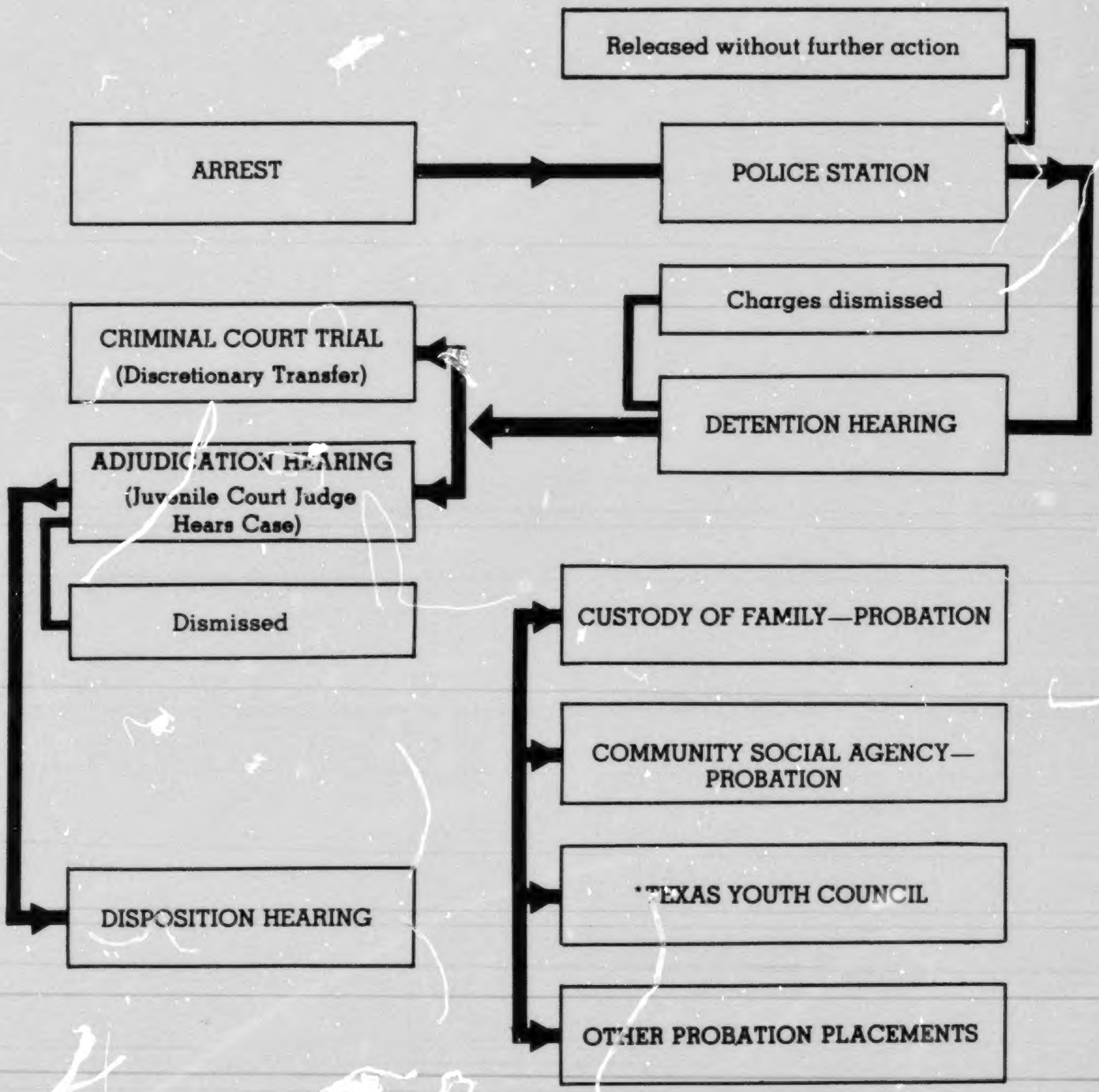
[5] *Handbook of Strategies, Law in a Changing Society, pub. by Law Focused Education, Inc.*

LESSON XLIV JUVENILES AND THE LAW - PART 2

Handout #3 (continued)

THE TEXAS JUVENILE JUSTICE SYSTEM [6]


Released without further action
ARREST
POLICE STATION
Charges dismissed
CRIMINAL COURT TRIAL
(Discretionary Transfer)
DETENTION HEARING
ADJUDICATION HEARING
(Juvenile Court Judge
Hears Case)
Dismissed
CUSTODY OF FAMILY—PROBATION
COMMUNITY SOCIAL AGENCY—
PROBATION
*TEXAS YOUTH COUNCIL
DISPOSITION HEARING
OTHER PROBATION PLACEMENTS

*The state agency responsible for placement of young offenders.

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GOVERNING TEXAS - AN OPPORTUNITY TO PARTICIPATE

LESSON XLV

JUDICIAL REFORM

I. OBJECTIVES

1) Students will become familiar with some recommended reforms for the Texas judicial system.

2) Students will read the opinions of an outstanding Texas jurist in regard to judicial reform.

3) Students will do research on the subject of selection of judges. (Optional)

II. MATERIALS NEEDED

1) Handouts #1,2 and 3.

2) Suggested resources for research on #3 below include: a local judge, district attorney or lawyer as subjects for an interview, the "Book of the States" which is found in major libraries for information on the Missouri plan of selecting judges which is often cited as a good plan, request information from the Texas legislative Reference Library in the State Capitol, or write to the Librarian at the Missouri Supreme Court, P.O. Box 150, Jefferson City, Missouri, 65101.

III. LESSON PLAN

1) Distribute Handout #1 and discuss.

2) After reading the article by Judge Greenhill, discuss the following questions with students:

   a. Why has the Texas judicial system become out of date?

   b. What changes would Judge Greenhill like to see in the system?

   c. Which method of selecting judges does he prefer?

3) Read the newspaper article on "Judicial change faces Legislature" by Candice Hughes. Make a list of pro and con arguments for partisan election of judges.

4) For extra credit the teacher may want to consider asking students to do research on the subject of the selection of judges. Methods to follow here include: interviewing a local judge, district attorney or lawyer and writing an article on this person's opinions, or writing an editorial or letter to the editor expressing the student's personal opinion. Another option is to do an article or research paper on how other states select judges. The state of Missouri is one interesting example to use in this project.

LESSON XLV

JUDICIAL REFORM
Handout #1

As with the other branches of government, there are many suggestions for improving the Texas judicial system.

In general the two most important frequently mentioned are: 1) A unified court system to remedy the present complex organization and operation of Texas Courts; 2) Merit selection rather than the popular election of judges.

Additionally some critics claim that Texans from low income families who cannot afford lawyers are at a disadvantage in the courts. Although the U.S. Consitution requires the state to provide legal aid for them in criminal cases, the court appointed lawyers often lack time to prepare the defense for the accused and find themselves underpaid.

Another issue which is highly complicated and will only be mentioned here is the long-standing argument over whether the death penalty (which is currently provided for in the penal code) should be allowed.

One other judicial issue is that Texas is one of only four states in which the state has no right of appeal in criminal issues. On November 4, 1980 the voters rejected a proposed constitutional amendment that would have allowed a limited right to appeal to the state.

Specific suggestions for a unified court system might include the following proposals for reorganization.[7]

1. The Court of Criminal Appeals and the Supreme Court should be merged into a single court of last resort for both civil and criminal cases.

2) At the district level, overlapping districts should be merged and judges of special district courts would become regular district judges. Metropolitan counties should have a single district court with as many judges as needed, rather than a separate district for each judge as is now the case.

3. A statewide system of new county-level courts with judges who are lawyers should replace the existing county courts.

4. The Chief Justice of Texas should be the administrative head of the court system for the state with authority to transfer cases and judges as necessary to equalize workloads and eliminate backlogs of cases. Day-to-day administration of the court system should be carried out by a statewide court administrator and deputies under supervision of the Chief Justice.

As mentioned above another important issue concerning Texas courts is that judges here run in partisan general elections. Some people think this method tends to reward a candidate who has political skills while discouraging others such as serious legal scholars. A connected problem is the high cost of election campaigns. And finally, the average voter may not know much about the judicial candidate or the requirements of his job.

Proposals for change range from making elections non-partisan to replacing the system with some type of appointment system.

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[7] *"Fundamentals of Texas Government," Dickens and Bertone pp. 78, Sterling Swift Publishing Co., Manchaca, Texas, 1976*

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

LESSON XLV JUDICIAL REFORM

Handout #2

REFORMS FOR THE TEXAS COURT SYSTEM
BY JOE R. GREENHILL,
JUSTICE, TEXAS SUPREME COURT 1957-1972; CHIEF JUSTICE 1972-1982

It is important that the young people of Texas be concerned about the judicial system of Texas. Its structure is badly out of date. The administration of the courts is inefficient and completely lacks businesslike methods. The way that we select and remove judges is, in my opinion, one of the poorest of any democratic society in the world.

It is difficult to bring about change. We need people who are willing to explore new ideas and who will come up with leadership of Texas government to bring about needed judicial reforms and improvement. The young people of Texas, such as yourselves, are a major key. Your knowledge about the system, and your fresh approach to ideas, are important.

Our court structure was formulated over 100 years ago when we were a small, predominantly rural society. There were few major crimes and relatively few lawsuits between individuals. Courts and judges were placed in an area within a horse and buggy ride of the homes of the people. Judges were elected locally by people who knew the candidates. Each judge was his or her own boss.

No serious thought was given to using judges on a statewide basis to dispose of the large dockets in urban areas. As the population grew, we simply added new local judges and courts.

Now, we have about 3,000 judges. With a population of some 16 million people, we have more judges in Texas than in all of England with some 60 million people. The difference is that our judges are not where the action is.

We are the only populous state with no central court administration. Each judge is still his or her own boss. And no one, not even the Chief Justice, can move judges to places where they are needed. As a result, many judges, in rural areas, try only 5 or 6 jury cases a year, while in crowded cities, it is often over a year before a case can be brought to trial. We have never had a redistricting of the courts of Texas.

Does it appear to you that:

1. We should revise our court structure so that our judges are where they need to be to try cases without delay? Should we have a redistricting of our courts?

2. Should we have an efficient system of court administration so that court business will be disposed of efficiently?

The most important single element in any judicial system is the judge. We should expect the judge to be well trained, learned in the law, efficient, energetic and alert, as well as a person of unquestioned honor and integrity. We have many judges who meet these qualifications, and many who do not.

How do we select our judges, and how do we get such highly qualified people to be our judges? When our nation was founded, judges were appointed. Around the time of the Civil War, and mainly in the South, it became popular for people to elect their judges.

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LESSON XLV

JUDICIAL REFORM

Handout #2 (continued)

REFORMS FOR THE TEXAS COURT SYSTEM
BY JOE R. GREENHILL,
JUSTICE, TEXAS SUPREME COURT 1957-1972; CHIEF JUSTICE 1972-1982

Where the electors know the candidate, as you do when you elect class officers, that's a good system. This was true 100 years ago in Texas when we instituted the election of judges, but it is no longer true that we know our judges or the candidates except for local judges in rural areas.

Now, people are called upon to choose between people they never heard of to be their judges. In most cases, it is a blind choice; and the results show it.

Since judges must now be elected, even if they are first appointed to fill a vacancy, they must campaign. That means they must raise lots of money. In one race for the Supreme Court of Texas in 1980, over 2 million dollars was raised and spent. Could you, or a member of your family do that? Most people who would make good judges cannot.

Also, they must run as Democrats or Republicans, or from some other party. Is a person a good judge because he or she is active in a political party as a Democrat or Republican? Do you pick your doctor or architect on the basis of his party?

We select our school boards, our mayors and city council members on the basis of their individual merits and not party affiliation. We should select our judges the same way.

Many states have come to the non-partisan election of judges. Only 10 states, mainly in the South, still have partisan election of judges.

Most of the states use a combination of appointment and election. There are objections to appointing judges for life, as federal judges are appointd. People may not know how to choose, or elect, the best qualified people to the bench; but they know bad judges when they see them. The people want to be able to remove them in a simple manner.

A system was developed in Missouri whereby judges are appointed from a list of highly qualified people, but the people retain the right to remove any judge at the ballot box when the term of the judge expires. The question at the election is, "Shall this judge be retained?" All you have to do is vote "No." If the majority of the voters agree, he or she is gone. His or her successor is then appointed from among qualified people; and the successor faces the voters in the same way.

If our criminal justice system, and our system of deciding thousands of civil suits between individuals, corporations, and the government, is not greatly improved, we are in trouble. Do you agree? If you do agree, what should we do about it?

LESSON XLV JUDICIAL REFORM

Handout #3

Judicial change faces Legislature

By CANDICE HUGHES
American-Statesman Staff

Most Texans may be ready for the non-partisan election of judges, but their elected representatives apparently are not.

Only 25 percent of the citizens responding to a recent survey by the secretary of state favored continued election of judges by political party.

But when the 1983 Legislature convenes the Select Committee on Judicial Selection won't be suggesting non-partisan elections. Instead the committee will recommend merit screening of judicial candidates.

Some individual legislators nonetheless will have proposals to revise the way judges are chosen by party. Among them is Rep. Brad Wright, R-Houston, an advocate of non-partisan elections who admits his bill will have no chance of passing. Similar legislation failed in three earlier sessions.

The problem, Wright said, is that Democrats control the Legislature and many Democrats vote a straight party ticket. Therefore non-partisan elections could result in more Republican judges, Wright said.

"I can't blame them," Wright said of his Democratic colleagues' opposition of non-partisan judicial balloting.

Issues '83

When the 68th session of the Texas Legislature convenes Jan. 11, an array of issues, many already under debate, will face legislators. Some involve millions of dollars in expenditures; others will become new laws with wide-reaching effects. This series examines the issues facing the upcoming session.

The State Bar of Texas went on record several years ago in favor of non-partisan elections by a 2-1 margin. A new poll will be conducted in February, said Blake Tartt, president-elect of the bar.

"Lawyers want the judiciary to be as depoliticized as possible," Tartt said. "But I don't know if the time is ripe."

Texas is one of 10 states that still hold partisan elections for judges. Critics of the current system say voters rely on party labels because they are apathetic and uninformed about judicial candidates.

This leads, critics say, to embarrassments such as the election of Houston lawyer Don Yarbrough to the Texas Supreme Court on the 1976 Democratic ticket. Yarbrough, whose name is similar to that of former U.S. Sen. Ralph Yarborough of Texas, was later forced to resign after admitting he'd plotted to kill a business associate.

But reform opponents say other systems, particularly merit selection, insulate judges from the electorate and lead to the abuse of power.

The Select Committee on Judicial Selection is suggesting a pre-election review of all appellate court candidates by a merit screening commission. The commission would then publicly rule the candidate "qualified" or "unqualified."

The committee's plan would give the governor the option of letting the screeening commission evaluate his appointees to vacant judicial posts.

The committee also recommendsthat Texas Supreme Court justices and Texas Court of Criminal Appeals judges be elected from single-member districts rather than statewide.

Austin American-Statesman
Jan. 6, 1983

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APPENDIX A

LIBERALS AND CONSERVATIVES

By CHARLES DEATON

Former editor of Texas Government Newsletter, April 11, 1977, Vol. 5, No. 13. Used by permission of Donald G. Martin, Editor TGN.

One who writes about liberals and conservatives in the Texas Legislature does so with reluctance, for it is an area full of misunderstanding and confusion. It is also an area that can't be ignored, though, because the terms liberal and conservative become little shorthand labels for reporters, lobbyists, voters, and other politicians to use when talking or writing about legislators. So, one who is concerned about Texas political affairs must sooner or later learn to judge for himself the validity of these terms when they are used, or else the confusion might be multiplied.

Most legislators hesitate to label themselves as a liberal or conservative and prefer instead the middle-ground term "moderate," perhaps in the hopes of alienating the smallest mumber of voters. In light of the confusion surrounding the subject, it's easy to feel a bit of sympathy for the hesitant legislators, but other legislative observers are not as reluctant and early begin placing labels on the members. Thus a member can acquire a label without having any voice in the decision, and if his actions or votes are judged by someone else's standards, there's little he can do about it.

These observers say the issues normally used to determine a legislator's political philosophy include such things as spending, taxing, business and labor regulation, and welfare and social service legislation. Liberals are usually thought of as the big spenders, the ones most likely to fund a new program or agency, while conservatives are said to be tighter when it comes to spending the taxpayers' money (more on this later). On taxation questions, conservatives usually favor taxes on comsumption, such as general and selective sales taxes, while liberals would prefer business-oriented taxes such as corporate profits or franchise taxes or increased natural resource severance taxes. Liberals are more likely to support tough environmental, pollution, and consumer protection regulations for business and industry, while conservatives might look upon these as just more governmental red tape and interference for the honest businessman to worry about. Liberals will have a more favorable attitude toward labor union-supported legislation, while conservatives, who may still have reservations about the whole idea of collective bargaining in the first place, will be prone to automatically oppose anything labor wants. And when it comes to welfare and social services bills, the liberals will be making speeches about the problems faced by the poor, the old, the uneducated, the disadvantaged, and those who can't help themselves, while conservatives will be wondering aloud how much it's going to cost and how much longer the taxpayers are going to be able to bear the burdens created by those who won't help themselves. Now it's easy for the lines dividing these issues to get blurry, and there can be a lot of crossover voting, especially by those whose philosophy (or district) is truly middle-of-the-road. But an impartial reading of key votes in these areas should give you a good idea of whether a particular legislator, by today's standards anyway, would be labeled liberal or conservative.

APPENDIX A

LIBERALS AND CONSERVATIVES

By CHARLES DEATON

(Continued)

Whether these standards are fair is something else again. Conservatism has been the dominant political trend in Texas for decades, and the average Texas voter would likely consider his own political philosphy to be on the conservative side. Yet, some legislators argue, the powerful business establishment-oriented lobbyists in Austin have managed to pre-empt the term "conservative" to apply to their own desires and legislative goals. Thus, by definition, anything not in accord with their goals becomes liberal (and, to that average voter, bad). More than one legislator would argue that this is what has happened over the years, and that those who back bills in the interests of the people, as opposed to the interests of the corporations and business establishment, find themselves dumped in that liberal category. (A worthwhile article on this subject, in spite of its age, is J. C.. Zbranek's "Why the Establishment Controls the Legislature," in the June 12, 1964 Texas Observer.)

Conservatives are and almost always have been in firm control of the appropriations process in both houses, and the liberals have thus occasionally been placed in the position of trying to trim the conservatives-approved "Fat" from the spending bill on the floor of the House. Thus, during appropriations bill floor fights, you're likely to see a coalition of liberals and independent conservatives carrying a number of amendments to remove "porkbarrel" expenditures. Another point worth making about this process is that a "big spender" tag could easily be placed on the conservatives in charge of this spending bill. The last two sessions have both been blessed with record-breaking budget surpluses, and if all goes as expected, just about every last penny of it will be have been spent by the end of the session. Last year, when the size of the current surplus became known, there were a few brief conservative noises about a billion dollar savings account, but this talk quickly died. out. No one, including Governor Briscoe, is working for this right now. In fact, no one even seems to be planning for or thinking about those future years when our oil and gas revenues will decline and huge deficits may occur. When this does happen, those of us still around might look back at this prosperous period and decide that the conservatives in charge now really were the "big spenders."

APPENDIX B

TEACHER EVALUATION

NAME ______________________ COURSE TAUGHT ______________________

SCHOOL ______________________ GRADE (S) ______________________

Please refer to the table of contents at the beginning of this book and list the lesson numbers that you used, then rate each lesson on the scale to the right.

LESSON NUMBER	VALUE OF THE LESSON Excellent 1	 2	 Fair 3	 4	 Very poor 5

	Too complicated		Appropriate		Too simple
For your classes, did you find the information in this manual	1	2	3	4	5
For your classes were the activities in this manual	1	2	3	4	5

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

TEACHER EVALUATION

APPENDIX B

NAME ______________________________

Approximate number of sessions (per class) spent on lessons using material from this guide: ____________

Please check the activities you used and their value in encouraging student interest.

TYPE OF ACTIVITY	VALUE OF THE ACTIVITY					
	Used it	Excellent 1	2	Fair 3	4	Very poor 5
Discussion						
Writing essays and newspaper articles						
Making wall-posters and collages						
Using the newspapers						
Using charts, tables and calculations						
Games and puzzles						
Role playing						
Field trips						
Library research						
Having speakers come to class						
Studying and drawing cartoons						
Reading about real court cases						
Reading articles by real politicians and reporters						

Please suggest improvements in:

The factual information

The format and organization of this guide

The lesson plans

Other

Overall did you find this unit useful?

How much did you use the newspaper with this unit?

How useful did you find the newspaper as a tool in the classroom?

Is there any other topic on which the American-Statesman and the AISD could work together to produce materials that might be of use to you?

Please send to: *Educational Services Director, Austin American-Statesman*
P. O. Box 670, Austin, Texas 78767

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GOVERNING TEXAS — AN OPPORTUNITY TO PARTICIPATE

APPENDIX B

STUDENT EVALUATION

Teacher's Name ______________________________

1. Here is a list of the units in Governing Texas — An Opportunity To Participate. Please put a check beside each unit your class studied.

______ Levels and Branches of Government
______ How Government Affects People
______ Reporting and Interpeting Government
______ The Legislature
______ Special Interest Groups and Lobbying
______ The Executive
______ The Judicial
______ Government Day

What one subject did you learn the most about?

____

2. Here is a list if the activities you may have done while studying Texas Government. Please put a check beside each activity your class did.

______ Discussion
______ Writing essays and newspaper articles
______ Making wall-posters and collages
______ Using the newspapers
______ Using charts, tables and calculations
______ Games and puzzles
______ Role Playing
______ Field trips
______ Library Research
______ Having speakers come to class
______ Studying and drawing cartoons
______ Reading about real court cases
______ Reading articles by real politicians and reporters

Which activity did you enjoy the most? ______________________________
Please explain why ______________________________________
____

3. How much did you use the newspaper while studying Texas government?
a. almost every lesson
b. about half of the lessons
c. once or twice
d. none at all

Name one way the newspaper helps us to understand Texas government.

____
____

Do you read the newspaper at home? ________ Yes ________ No
When you read the newspaper, which parts do you read?
____
____

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APPENDIX B

STUDENT EVALUATION

4. Thinking about this unit on Texas government as a whole, how much did you learn that you didn't know before?

a lot	quite a bit	a little bit	not very much

What do you think about this unit "Governing Texas — An Opportunity To Participate?

__________liked it very much __________it was okay __________didn't like it.

5. Please use the space below to add any comments or suggestions.

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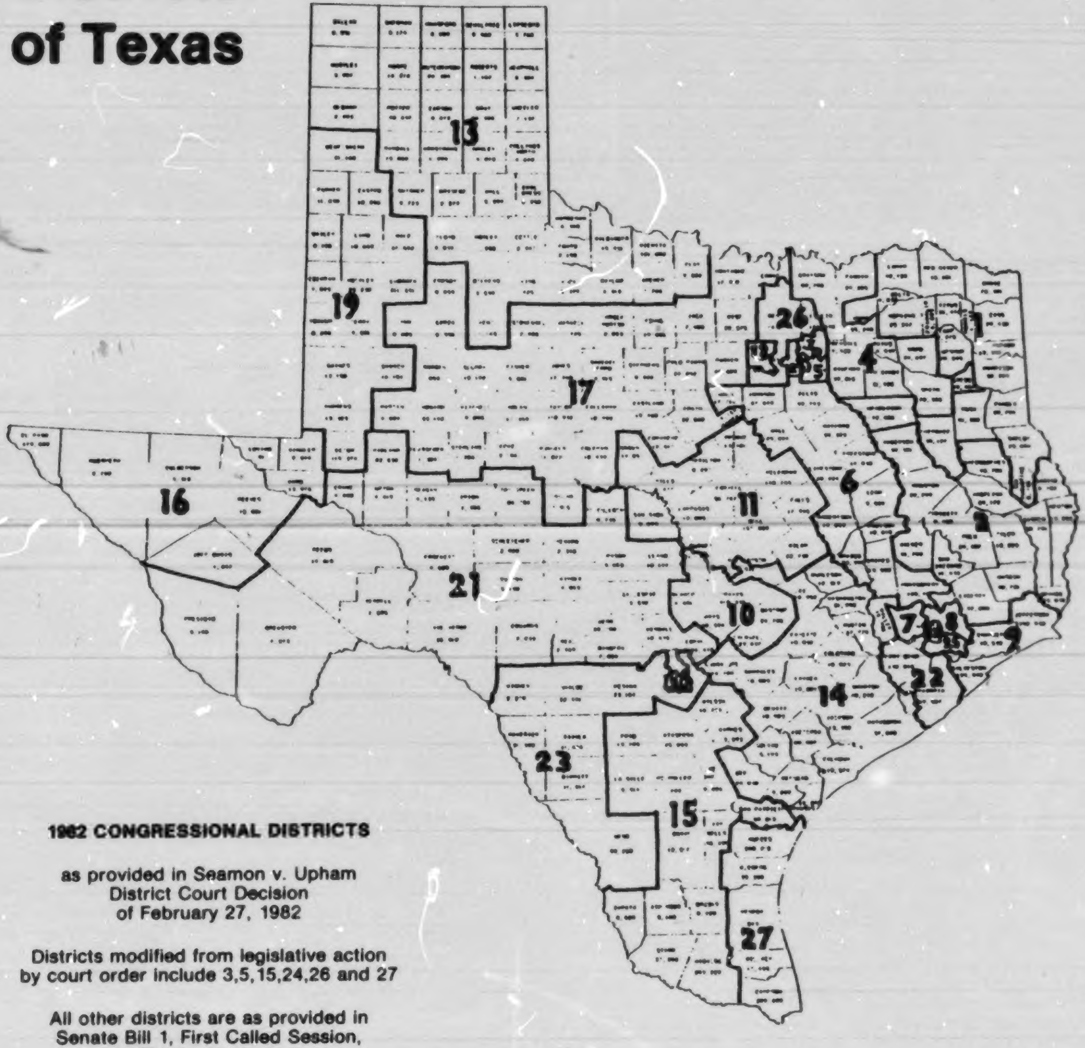
APPENDIX C

Congressional Districts of Texas



1982 CONGRESSIONAL DISTRICTS

as provided in Seamon v. Upham
District Court Decision
of February 27, 1982

Districts modified from legislative action
by court order include 3,5,15,24,26 and 27

All other districts are as provided in
Senate Bill 1, First Called Session,
67th Legislature.

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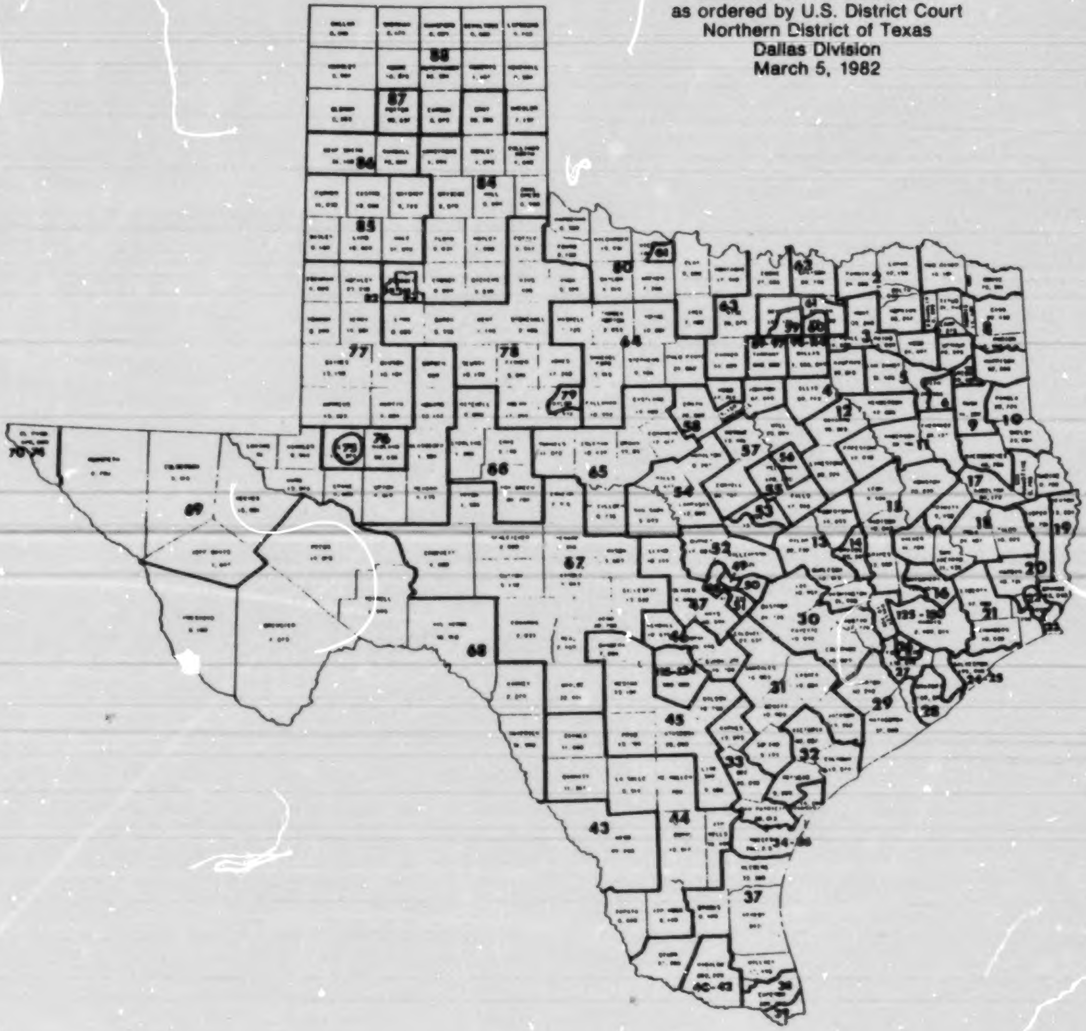
APPENDIX C



TEXAS REPRESENTATIVE DISTRICTS

Effective for 1982 Elections
as ordered by U.S. District Court
Northern District of Texas
Dallas Division
March 5, 1982

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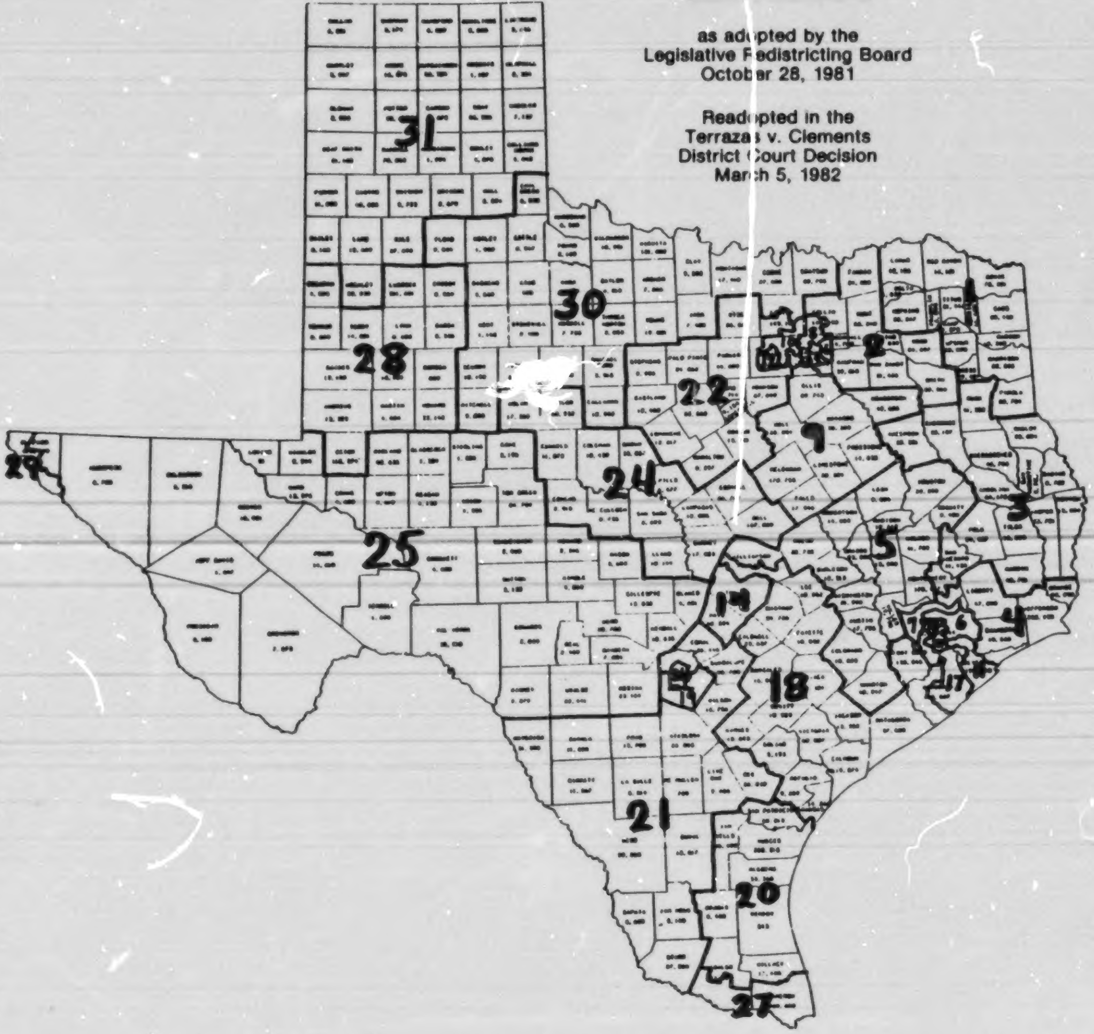

SENATE DISTRICTS

as adopted by the
Legislative Redistricting Board
October 28, 1981

Readopted in the
Terrazas v. Clements
District Court Decision
March 5, 1982

31
30
28
22
2
1
9
29
24
25
3
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7
17
18
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21
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27